DOCUMENT RESUME

ED 215 000 TM 820 266

TITLE	Minimum Competency Testing Clarification Hearing (July 8th, 1981).
INSTITUTION	National Inst. of Education (ED), Washington, D.C.
PUB DATE	8 Jul 81
NOTE	311p.; For related documents, see TM 820 265-268.
EDRS PRICE	MF01/PC13 Plus Postage.
DESCRIPTORS	Elementary Secondary Education; *Hearings; *Minimum Competency Testing; Test Bias; Testing Problems; *Testing Programs
IDENTIFIERS	Advisary Evaluation Model; *School Effectiveness; South Carolina; Virginia

ABSTRACT

Barbara Jordan served as the hearing officer for three-day adversary evaluation hearings about the pros and cons of minimum competency testing (MCT). This report is the complete transcript of the first day of proceedings. James Popham and George Madaus presented the opening arguments for the pro team and con team, respectively. Michael Scriven, testifying for the pro team, asserted that MCT constitutes "the last hope of education." The pro team also presented testimony from witnesses from two states in which there are decent MCT programs: South Carolina and Virginia. Testifying for the con team, Ralph Nader argued that MCT is not a consumer protection device. Arthur Wise testified that MCT is politically motivated, but not educationally sound. Ralph Tyler described MCT as the public's response to their perceived difficulties. Gilbert Austin made the point that minimum competency tests are not the determining factor in an effective school. The remaining con testimony consisted of arguments from local or state school personnel that MCT does not improve school effectiveness, and the expression of concern about possible test bias from Ms. Taracido of the Puerto Rican Legal Defense and Education Fund. (BW)

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ED215000

MINIMUM COMPETENCY TESTING

CLARIFICATION HEARING

JULY 8TH, 1981

SPONSORED BY

THE NATIONAL INSTITUTE OF EDUCATION
U.S. DEPARTMENT OF EDUCATION
T.H. BELL, SECRETARY

BARBARA JORDAN, HEARING OFFICER

DEPARTMENT OF COMMERCE AUDITORIUM
14th Street and Constitution Ave., N.W.
Washington, D.C.

TM 820 266

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PROCEEDINGS

8:30 a.m.

MR. SCHILLER: Good morning. I'd like to welcome you to what I hope will be an interesting, thrilling experience for you for the next three days. We are talking about an issue that has relevance to all of your work and experiences, I'm sure.

To start the proceedings formally, I would like to introduce the Under Secretary of Education, William Clohan.

INTRODUCTORY REMARKS OF
WILLIAM C. CLOHAN, Jr.
UNDER SECRETARY, U.S. DEPARTMENT OF EDUCATION

Thank you. Good morning, also. I would like to, on behalf of the Department of Education and Secretary Bell, also welcome you to this auditorium and to this session.

As you know, this is sponsored by the National Institute of Education. The Institute, over the past almost decade now, has served as a forum for discussing issues and providing information for policy makers throughout the country, and I'm sure the discussion in the next three days will help deal with an issue that is both controversial and very important.

What occurs here today may lead to some activity at the state and local level. It may lead to some activity at the federal level, and this public forum hopefully will

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clarify some of the issues.

Today, we are very honored to have as the Hearing Officer and the Moderator of this hearing, Ms. Barbara Jordan. As you know, Ms. Jordan came into national prominence in her role as a Congresswoman from Houston, Texas, and she served on the Judiciary Committee where she became known as a very strong spokesperson, and is certainly a very effective orator. I am very pleased that she came with us today.

During the last few years, she has been the Lyndon Baines Johnson Public Service Professor at the L.B.J. School of Public Affairs at the University of Texas in Austin. During the last ten months, she's been associated with this project and has very closely monitored what is going on in the minimum competency area.

She has primary responsibility for assuring some amount of consensus on the rules and the procedure and also, the rules of evidence which have guided this project.

Her role during the hearing this morning and for the next few days will be to assure an efficient and productive debate and one that will stay closely to the rules of evidence and procedure that have already been agreed, and hopefully, will keep the testimony as relevant as possible. It is quite easy to stray sometimes.

I can think of no better person to chair the hearing. I think she is ideally suited to it. Fair-minded, very firm, certainly will keep things running on time, and in a straightforward fashion.

Now, to start the proceedings without much further ado, I would like to introduce Ms. Barbara Jordan.

OPENING REMARKS BY
BARBARA JORDAN
HEARING OFFICER

Thank you. The purpose of this hearing is to clarify some of the most important policy issues concerning minimum competency testing programs which have proliferated during recent years.

As used in this hearing, minimum competency testing refers to state or locally-mandated programs which have the following characteristics. Almost all students at designated grades are required to take paper and pencil tests designed to measure basic academic skills, life or survival skills, or functional literacy. A passing score or standard for acceptable levels of student performance has been established, and test results may be used to certify students for grade promotion, graduation or diploma award; classify students for or place students in remedial or other special services; allocate compensatory funds to school districts; evaluate or certify schools or school districts, or evaluate teachers.

One of my responsibilities as hearing officer is to set the stage for this clarification hearing by describing the process of this ambitious project, the purpose and procedures of the hearing and the subsequent dissemination of what transpires during these three days. I intend to discharge this responsibility as crisply as possible.

This three-day hearing is the culmination of a process in which those who appear before you have been involved for approximately ten months. Prior to the selection last summer of the team leaders and the hearing officer, NIE convened representatives of various agencies and various audiences, which included amongst others teachers, school principals, parents, school board members and state legislators.

One role of the advisory group was to review and modify the plans for clarifying minimum competency testing issues. Another was to submit nominations for the team leaders and the hearing officer to the NIE. NIE then selected the team leaders and the hearing officer, and the team leaders selected the team members.

The Minimum Competency Project is designed to provide quality information to state and local decision-makers that will assist them in making informed choices about policies and programs, to promote a greater public understanding of the dynamics of MTC programs, and to provide a vehicle for informed public participation in the policy process.

The purpose of this hearing, simply put, is to provide a public forum for clarifying some of the most salient issues concerning minimum competency testing. Both teams have agreed that there are certain functions which MCT programs should not serve. Both teams are emphatic in their repudiation at elementary and secondary levels of the use of MCT for three purposes.

One, teacher evaluation; two, allocation of educational and other resources; and third, retention of non-passing students at all grade levels. I will summarize why both teams, based on their efficient experience, believe that these three functions are inappropriately served by MCT.

Teacher Evaluation. Although judging teachers on the basis of student achievement is deceptively attractive, currently research and testing technology precludes the use of minimum competency tests for this purpose. To use students' scores on a minimum competency test to evaluate teachers can punish teachers for circumstances over which they have no control.

For example, test scores cannot distinguish between students who have not learned because of lack of motivation or learning disabilities and those who have not learned because of ineffective teaching.

Similarly, schools differ one from the other with regard to the amount of available resources, rates of vandalism, drug and disruptive problems and a host of other factors. The teams believe that the use of MCT scores to evaluate teachers is unjust.

Resource Allocation. The teams believe it is equally unwise to use the results of MCT programs to allocate financial and other resources to different schools or school districts. One practice is to award the most dollars to the local educational agency with the lowest test scores on the assumption that more money is needed for compensatory education. As a consequence, this practice rewards failure, not success because it is in the local educational agency's financial interest not to succeed.

An allocation of any type of resources, financial, instructional or other, aligned to a minimum competency testing program may have other negative impacts. If, for example, MCT is used to make critical decisions but is implemented only at certain grade levels, then resources may tend to be focused only at those levels to the exclusion of others.

Grade by Grade Retention. It might be argued that students who are given multiple opportunities to pass a minimum competency test can, in time, pass inspite of the imposition of testing technology. If minimum competency tests are used each year at every grade level, too much weight is given to a student's performance on a single examination.

As a result, it is nearly impossible to provide for the multiple testing opportunities that could, for example, be offered when passing the test is used only as a graduation requirement.

These three functions will not receive direct attention during this hearing. Though important issues, both teams emphatically reject the use of MTC programs for these three purposes. The two teams do not agree, however, with regard to other functions of minimum competency testing programs, other functions which might be served by these programs.

In this hearing, the teams will focus on MCT programs that use test results to certify or classify students. By certify, it is meant that test results are used to decide whether a student has successfully completed a given level of education. That is, the test results are an essential component in determining promotion, graduation or type of diploma to be awarded.

By "classify," it is meant that test results are used to group or place students, or to select students for admission to auxiliary education programs or services.

The three major issues that this hearing will seek to clarify are whether such MCT programs will have beneficial or harmful effects on students, on curriculum and teaching, and on public perceptions of educational quality. While the framework of the hearing borrows extensively from judicial procedures, it is not intended to result in a victory for one side or the other.

Rather, the clarification hearing is designed to serve an educational function by providing a public forum for discussion of a controversial topic from different and often competing perspectives. The clarification of issues and points of concern is the desired outcome. The judicial process merely provides the framework and systematic procedures for discussing those issues and for public involvement in the process.

There will be no jury to deliberate or render formal judgment as to the success, failure or overall quality of MCT programs. All decisions or judgments concerning the information presented will be left to the viewing public.

The target audience for this project includes legislators, state and local policymakers and administrators, special interest groups, parents, teachers, students and the general public.

One important part of the process has been the sharing of information between the teams. Each has conveyed to the other the identity of witnesses as well as the lines of questioning which will be follows. Specific rules of procedure have been agreed upon by both teams.

On each day, the designated case presenter for each team will make an opening statement outlining the case to be presented in support of that team's position. On each day, the pro team will present its case first. Each team will rely heavily on the testimony of witnesses rather than on detailed presentation of data. Although some witnesses will be interpreting documentary evidence that will be entered into the record of the hearing, other witnesses will be stating their own observations or opinions.

Direct, Cross, Redirect and Recross examination of witnesses will be permitted. The schedule agreed upon by both teams will adhere to precise timing, each team, having an average of 170 minutes each, 170 minutes each day, to present and examine witnesses. By mutual agreement, the two teams will differ in how they use their blocks of time. One team has chosen to use less time for direct examination and more time for cross examination than the other.

Finally, it has, I'm sure, not escaped your attention that these proceedings are being videotaped. By this fall, gavel-to-gavel videotapes and written transcripts will be available to professional and constitutent organizations for use in workshops, seminars and public forums.

In addition, PBS will air, in early fall, a four-part television series. The first part will be a documentary and the other three parts will be edited versions of each day of the hearing. Each team will participate in the tape editing.

We are now ready to begin this hearing by introducing those before you on the platform. But before I do that, I would like to introduce a Texas colleague who has been more than a capable and competent assistant to me as I have prepared for this hearing. Dr. H. Paul Kelly, Director of the Measurement Evaluation Center at the University of Texas, and Professor of Educational Psychology. That is Austin, Texas.

All right, now I will introduce the teams. Leader of the pro team, W. James Popham. He is a professor, Graduate School of Education, University of California at Los Angeles. Reginald Alyeene, Professor of Law, Univeristy of California at Los Angeles. Carol Bloomquist, doctoral candidate, Research and Evaluation Program, University of California at Los Angeles. Celia Rodriquez, Pesearch Assistant, Instructional Objectives Fxchange, Los Angeles. Anthony Trujillo, Superintendent, Mt. Tamalpias Union High School District, Larkspur, California.

The con team. The leader is George Madaus, Director, Center for the Study of Testing, Evaluation and Educational Policy, Boston College. James Preeden, Senior Manager, Office of Planning and Policy, Boston Public Schools. Norman Goldman, Director of Instruction, New Jersey Education Association. Walter Haney, National Consortium on Testing, Huron Institute, Cambridge, Massachusetts. Wade Henderson, Executive Director, American Bar Association, Fund for Public Education, Counsel on Legal Education Opportunities, Washington, D.C. Robert Linn, Chairman, Department of Educational Psychology, University of Illinois. Dianna Pullin, Staff Attorney, Civil Rights Attorney, Washington, D.C.

You have now met the members with one exception. Rene Marie Montoya, Chicano Education Project, Denver, Colorado on the con team.

We will now hear the opening argument of the pro team. Dr. Popham.

OPENING ARGUMENT BY

DR. JAMES POPHAM

PRO TEAM LEADER

DR. POPHAM: Thank you, Professor Jordan. Why are we here today discussing minimum comptency testing? It is because minimum competency testing constitutes a groundswell educational movement of enormous potential significance.

In the past several years, almost 40 states have enacted programs which call for youngsters to pass minimum competency tests in basic skills of reading, writing and mathematics. Students who do not do well on these tests are given additional instruction, or in some cases are denied diplomas.

Almost without exception, these programs have been mandated not by educators but by the public. Why? The answer is all too clear. The American public believes that a high school diploma ought to mean something, and they don't believe it means very much anymore. The American public believes that too many students are being given social promotions from grade to grade, moved ahead, chiefly on the basis of seat time rather than what they have actually learned.

This was not always the case in America. There was a time most of you can recall when a high school diploma did mean something. I can remember my own graduation years ago in Portland, Oregon from high school, as my classmates and I trouped across the stage to receive our diploma and a handshake from the principal. In the background, the Washington High School band was softly playing refrains of "Onward Christian Soldiers" and "Pomp and Circumstance." At the time, those were new tunes.

That night, people in the audience had no doubt about the significance of the occasion. In that era, when high school students received a high school diploma, they had earned it. And today's American citizens are demanding a restoration of honesty in public school promotion practices.

Our team, the pro team, contends that minimum competency testing programs of high quality will have a decisively positive effect on students, on their curriculum and teaching, and perhaps most importantly, on public perceptions of schooling.

Note the emphasis on programs of high quality. We are not defending any and all kinds of minimum competency testing programs. This is early in the evolution in the minimum competency testing and many of those programs need substantial improvements. The earliest airplanes didn't fly all that well but we kept on refining them until they worked.

Even now, we can find high quality minimum competency testing programs in the United States, and we have assembled an array of witnesses who will describe those programs and their effects.

The nature of this adversarial hearing calls for our colleagues, our opponents, the con team, to criticize minimum competency testing. We have surveyed their criticisms of minimum competency testing and find that they are longer on sound than on substance. We would like to preview these fine-sounding but fundamentally flawed criticisms.

Our opponents will claim that in recent years, student test scores in the basic skills have not declined, and as a consequence, the minimum competency testing programs are not necessary.

We respond that even if it is so that in recent years minimum scores in basic skills have not declined, basic skills in the three R's have already sunk far too low. If you are baking a cake and it falls, thereafter you don't take much satisfaction because it is not falling any further.

Our opponents will claim that the burden of responsiblity will be shifted in the minimum competency testing from educators to students, and therefore, students will be unfairly penalized. Well, if anything, minimum competency testing has heightened educational responsibility, not lessened it. And when it comes to penalties, we think the most unfair penalties of all would be to award counterfeit diplomas to students, diplomas which in fact deceive students into thinking that they possess basic skills which, in reality, they do not.

Our opponents will claim that minority students will be particularly harmed by minimum competency testing programs because early returns suggest that a substantial number of those youngsters are, in fact, not performing well on the tests. Our team believes, however, that in many settings in America, minority youngsters are receiving an inadequate education, and through the use of minimum competency tests, these inequities can be revealed so that they can be rectified.

A doctor who tells a patient with a serious illness that all is well does that patient no favor.

Our opponents will claim that a single test should not be used to make important decisions. Well, in the first place, minimum competency testing programs characteristically give the student many chances, not a single chance, to pass the test. But there are instances in which a single test should be used to make important decisions.

When I drive the Los Angeles freeways, I find some happiness in knowing that all those other drivers have passed the state administrative driving test. When one drives the Los Angeles freeways, one must find happiness in small things.

Our opponents will claim that in minimum competency testing programs, teachers will teach to the test. Well, we are certainly opposed to coaching students to pass a particular set of test items, the actual items on the test. But it is by no means reprehensible to teach toward a skill, to give the students plenty of practice in the skill implied by what the test is measuring. We believe this is what can and should happen in a minimum competency testing program.

Research evidence demonstrates conclusively that this kind of direct instruction is the most effective way that teachers can help youngsters master any kind of intellectual competency.

Finally, our opponents will claim that there will be so much emphasis on the skills in the minimum competency tests that other important aspects of the curriculum will be crowded out. This certainly may happen. It is by no means necessary with openness and honesty and the monitoring of student progress. We believe that the public, more than the educational community, will allow our schools to pursue only basic skills.

To reiterate, we believe that the bulk of the criticisms to be offered by the con team are essentially without merit. We want you to study them carefully, not are they superficially sound, but their substance. We believe that you will find them wanting.

Our team believes that minimum competency testing can restore meaning to the high school diploma and honesty to the appraisal of student progress. Moreover, we believe that by systematically isolating student deficits in fundamental skills and then remedying those deficits, the overall caliber of public shooling in this country can be markedly improved. This is the essence of our case.

Now, it may help you to learn a bit about how we put that case together. Our team spent a good deal of time reading at the outset, consulting individuals who had a special concern about public schooling, and then we went out in the field to see what minimum competency testing was actually like in America.

Members of our team went to ten states and interviewed over 325 individuals face to face. Students, parents, teachers, administrators, citizens, to find out what they were doing with respect minimum competency testing and what they thought about it. We found a full range of minimum competency testing programs. States in which a single test issues to grant a high school diploma. States in which there is a statewide test, but students who fail the test merely receive additional instruction. States in which there is a state law requiring local districts to establish minimum competency testing programs, but whether or not they have a high school diploma linked to that test is up to the local districts.

We saw the full array; states in which there was no law but states in which districts had voluntarily selected to create minimum competency testing programs.

We will have witnesses representing all of these variants of minimum competency testing programs.

I am most happy to report that by and large the response we encountered from educators was not resistant, but highly positive. One might think that since these programs had been mandated by the public and not by the educational community itself, that educators, teachers and administrators would have been resistant, would have been paranoid. Not so. Most of the teachers with whom we interacted saw this as a clear opportunity to improve the quality of their instructional program, and they are doing so.

I don't want to delude you into thinking that all of the programs in America, minimum competency testing programs, are in fact fine. They are not. Many of them need a good deal of improvement.

How can one tell what the features of a minimum competency testing program really ought to be if it is going to be successful? We have seven features that we would like to suggest are in fact the crucial features in a minimum competency testing program:

First, conscientious competency selection. We believe that if the competencies which form the hub of the program are selected openly, systematically, with the involvement of all concerned constituencies, that those competencies will in fact be the defensible ones. We believe that appropriate competency tests must be used. We are not talking about traditional norm-referenced tests in which a student is compared to some kind of normal distribution with other students.

Rather, we are talking about modern criterion-referenced tests, in which it is possible to discern whether or not a student has mastered a well-defined competency. Adequate care must be taken in these tests for the elimination of bias. These tests must satisfy technical measurement standards. But with good tests, a good program can ensue.

There is teaching-testing congruence. The students receive ample time to get ready to pass the test. There are multiple testing opportunities. Students are given not one, but several, four or five opportunities to pass the test, and students who do not do well on early versions of that test receive on-target assistance to get them ready to pass the test later on.

There is adequate phase-in time. We don't want late in the game a visiting of requirements on students at the end of a 12-year program of public schooling. Several years must be allowed at least to get students ready to perform well in the requirements of minimum competency programs.

There is sensible standard-setting. The cut score, the passing score for who passes a test and who doesn't pass a test must be set judgmentally. All passing standards must be set judgmentally. But if that standard is set openly, with the involvement of all groups who are concerned, we believe that it will in fact be defensible.

Finally, there is coordinated staff development. We are laying new requirements on public school teachers, public school administrators, that is getting the students up to mastery on clearly-stated competencies. They need assistance in readying themselves to perform that important task.

Well, if you have all those qualities, would you then have a high quality minimum competency testing program? It is possible to conceive of a range of quality with respect to minimum competency testing programs. Over at the low side you have essentially no or few positive features of the seven we have just described. At the high end you find high quality minimum competency testing programs because they possess all or many of these features.

Is it certain that a program at that end of the continuum, a high quality program, will yield positive results? No, of course not, because even a high quality program can be rendered rotten by a collection of klutzy teachers, and this can in fact happen.

Can we be sure that all low quality programs do not work? No, even low quality programs can be salvaged by teachers who possess the skill of Socrates, Mr. Chips, and Our Miss Brooks.

But probabilistically, programs at the high quality end will in fact more likely yield fine results. What are those results? We believe that there will be three principal positive effects of minimum competency testing programs:

First, there will be positive effects on students. More students will master basic skills, and because they master basic skills they will have positive attitudes toward themselves and school. In addition to that, they will master skills other than the basics, because those very basic skills are steppingstones to higher order skills. So we think that decisively positive effects on students will ensue.

In addition, there will be positive effects on the curriculum and teaching. There will be worthwhile curricular emphases because these emphases, that is the competencies, will be selected rationally instead of inherited unthinkingly by educators. There will be increased teacher effectiveness because teachers who understand clearly what the nature of those competencies are can more effectively teach toward them.

Finally, there will be broadened curriculum coverage, not reduced curriculum coverage, because indeed, with more effective teaching of steppingstone skills the youngsters can in effect and fact accomplish more.

Finally, there will be positive effects on the society. The society will recognize clearly that there has been an abandonment of seat time promotions. Kids are not going to be moved ahead just because they have been in school for a while.

There will be a demystification of the school's curriculum emphases. Citizens, parents will understand at least a set of the major competencies that the schools are pursuing. And because of this, most importantly, there will be evidence of student improvement in the three R's. There will be test results which show our kids can master fundamental skills in reading and writing an mathematics.

Is it certain that every student who passes a minimum competency test will in fact become a successful adult? In point of fact, we can't be certain of this. One must play, again, probability games.

Take a look at the students who pass basic skills tests. Will more of them go on to be successful in later life than those who don't pass the tests? We believe that is clearly the case. A youngster who can't read, write and compete at a rudimentary level of excellence has a very difficult time competing in school or in life.

Can some people who don't pass those tests succeed in later life? Of course. They can become highly effective adults. Probabilistically, though, more students who fail those tests are destined to have a tough time after school.

And this is our contention. On probabilities alone, if we can create a minimum competency testing program which incorporates excellent features, then they will more likely produce students who can pass those tests. And students who can pass those tests will more likely end up being successful adults. This is a major contention and we very definitely want you to realize that we are talking in probabilistic terms and that is all.

Now, you are going to hear our colleagues criticize at some length the imprecision of testing, the imprecision of educational tests. They have a right to do that. You must recognize, of course, as we do, that tests are not perfect. They are flawed. They are less than perfect.

But we ask you, what is the alternative to using evidence, albeit less than perfect, in reaching decisions about youngsters? We found that teacher's intuition is not a satisfactory substitute. We want evidence. The American public wants evidence. So when you find fault with those tests, think about the alternatives and we believe you will conclude, as we have, that those tests are certainly better than the alternative.

You will hear our opponents argue at some length about many deficiencies in minimum competency testing programs. Note as you hear those arguments how frequently they are focusing on poor minimum competency testing programs. To prove their case conclusively, our colleagues must demonstrate that even minimum competency testing programs of high quality will have more deficits than dividends. We simply don't think they can do that.

We are going to hear arguments about local and state and federal control of education. This is not a hearing to focus on local and state and federal control of education. We will describe minimum competency testing programs in which the control is totally local. We will describe minimum competency testing programs in which the control is at the state level.

No one is arguing for federal minimum competency testing. So this is simply not an issue.

When I was asked to participate in this hearing, I studied that request for some time before agreeing. I agreed chiefly because I wanted to learn more about this adversarial process. About six years ago I participated in a similar adversarial hearing and have found myself, as a consequence of a coin-flip, ending up defending a side with which I did not agree philosophically, and frankly a side that was awfully, awfully weak.

With respect to the current proposition, I found that when I was asked to join the pro team I was positively inclined toward that position and I did not think it would be weak. I was positively inclined toward it because in minimum competency testing to me I see reflected a rational approach to educational decisionmaking which I find praiseworthy. Teachers become clearer about what they are attempting to accomplish. They gather evidence as to whether those clarified intentions have been achieved. It seems to me this is a rational and defensible approach.

As we have learned more and more about minimum competency testing across the country, I also found myself more than a little satisfied with the strength of our case. I truly believe that minimum competency testing programs can be well defended, and you will see witnesses in the next few days who will in fact defend them well.

Our team, myself, we cannot be certain that minimum competency testing will have a salutary effect on education in this country. If we could wait ten years and look back and say, then fine. But we can't wait. Decisions must be made today. Decisions must be made now whether to jettison a program, whether to install a program, whether to modify a program.

There are risks associated with minimum competency testing. But these risks we believe are modest indeed when compared with the enormous potential of minimum competency testing.

HEARING OFFICER JORDAN: Thank you, Dr. Popham.

The opening argument for the con team, George Madaus. Dr. Madaus.

OPENING ARGUMENT
BY DR. GEORGE MADAUS,
CON TEAM LEADER

DR. MADAUS: Ms. Jordan, ladies and gentlemen:

It is very significant that these hearings are being held in Washington at a time when important questions are being raised about a wide range of policy issues in American life. Regardless of how you feel about these issues, I think we all agree that a critical perspective on social programs is important.

In this spirit, our team welcomes this clarification hearing, and the National Institute of Education is to be applauded for sponsoring this dialogue at a relatively early stage in the evolution of minimum competency testing. The value of this hearing is in exploring the unexamined assumptions on which minimum competency testing policy is based and focusing on the outcomes of the policy as they affect students, teachers, and American education in general.

At this point it is worth taking a moment to focus on our understanding of the task at hand. Minimum competency testing is a generic term that covers a multitude of quite different educational programs and practices. Some of these programs we feel are quite legitimate. Others both sides have agreed should not exist at all, and Professor Popham has described those unacceptable uses of minimum competency testing for you.

This clarification hearing, then, is not about the complete range of minimum competency testing. Our attention is limited to those program which actually use the test scores as the sole or primary determinant of a pupil's classification, promotion or graduation from high school. It is important during the hearings to keep this focus in mind.

Our team regrets this singular reliance on tests for such important decisions. Our opponents would like you to believe that all would be well if the seven conditions are met. Don't be misled by what might be. Listen and see during these hearings the reality of what is actually happening.

I remind Professor Popham that we didn't use early airplanes for mass transportation. We will show you that the present state of the testing technology, even in the best of all possible worlds, is not sophisticated enough to allow us to use test scores by themselves for these important decisions. Furthermore, we shall show you that when test scores are used to make important decisions about individuals they actually distort and corrupt the educational process that they were supposed to improve.

As you have heard, the three issues to be addressed in this hearing deal with the effects of minimum competency testing on students, on teachers and the curriculum, and on the public's perception of educational quality. Underlining our team's positions on these issues are five important contentions which are important to an understanding of the case you are going to hear over the next three days.

First, there is a misperception about basics.

Second, minimum competency tests are a political response to an educational problem.

Third, minimum competency tests are redundant.

Fourth, there are viable alternatives to minimum competency testing.

And fifth, minimum competency tests are not adequate enough technically to be used alone to make important decisions about individuals.

I will briefly take up each contention to prepare you for the testimony of our witnesses.

The minimum competency movement has swept across the country based on the unquestioned perception that basic skills have declined. The truth is this unquestioned perception is actually a misperception. Our first contention is that basic skills are improving and were improving prior to the introduction of minimum competency testing.

We shall offer evidence that publicized declines in scholastic aptitude test scores, which are used for college admissions, reflect deficits in more complex, higher order skills rather than a deterioration in basic skills. Unfortunately, many people do not realize that the SAT's do not in any way measure basic skills. Nonetheless, they mistakenly use the SAT score decline as an argument in support of minimum competency testing.

While we deplore this decline in the higher order skills measured by the SAT, minimum competency testing is actually the wrong answer to that particular problem. Concentration on minimum competency testing will only increase the decay in these higher order skills.

Our second contention is that minimum competency testing is a political rather than an educational response to the misperception that basic skills are declining.

Lacking a proven instructional technology, the minimum competency test has become a quick, cheap and conspicuous fix. This gives us real cause for concern for the future interests of children and education.

Minimum competency tests in many states are used as an administrative device in the struggle for political power and control over education. The state, through the introduction of an external test, with serious consequences, and by bureaucratic red tape and regulations seeks to usurp local control from local school districts over what is taught, how it's taught, what is learned, and how it's learned.

Local control of the curriculum, which has been a hallmark of American education, is being eaten away by the gypsy moth of minimum competency testing. Minimum competency testing leads to a de facto state curriculum, and this is an important structural change in American education. Is it a structural change we really want or one that we really need?

Another claim for a minimum competency test is that it identifies those students most in need of help. Our third contention is that the type of minimum competency tests under debate gives at best redundant information about pupils' abilities. The classroom teachers already know which pupils already need help in basic skills.

What teachers really need are tests that are both diagnostic and prescriptive. Present minimum competency tests have neither feature. They do not tell a teacher why pupils fail certain kinds of items, nor how best to plan their instructions. Our team is in favor of types of tests that do both.

It is one thing to criticize efforts to use minimum competency tests to improve learning. Are there alternatives for policymakers? Our fourth contention is that there are viable alternatives. Some of our witnesses shall describe the characteristics of successful schools for you. You wil see that these schools, while they do use tests, do not rely for their success on the carrot and stick approach of minimum competency testing.

A great deal of testimony over the next three days will deal with our fifth contention. That is, the technology underlying minimum competency testing is not adequate to permit the use of test scores by themselves for such important decisions. While acknowledging the valuable role testing can play in education -- and our team feels very strongly that testing has a very important role to play in education -- we would highlight the limitations inherent in the technology and the consequences of those limitations.

In our view this aspect of the hearing is vital.

The testing profession for over 70 years has repeatedly warned those who would use them that tests are not infallible. Unfortunately, too many policymakers have ignored these warnings and used tests as though they were infallible.

In fact, the more one knows about technical aspects of testing the more one realizes the potential for harm in when a test score is used as the sole or primary factor in important decisions affecting an individual's future. Minimum competency policy in many states represents just such a situation. Boys and girls who fail these minimum competency tests are labeled incompetents, functionally illiterate, unable to survive in society, incompetent adults. Some are not promoted. Others receive a certificate of attendance rather than a diploma.

Now, we are not arguing that everyone should automatically be promoted or receive a diploma. That is a practice that is well behind us. We are not for counterfeit diplomas. But we are against counterfeit accountability, which is what the other team will be describing for you.

Students need to meet the standards, and you will hear our witnesses reiterate this through the three days. What we are questioning is whether tests merit the trust implicit in using them as a sole or primary standard in such important decisions. Doesn't it make more sense to entrust such important decisions to teachers, parents and administrators, who work with people day in and day out? These people can use multiple indicators, including test results, to evaluate the pupils and make these important decisions.

One of our witnesses will testify that pupils who pass the minimum competency test in one state were nonetheless retained and denied a diploma by their teachers on the basis of richer and more varied indicators.

The testimony of expert witnesses on technical limitations of testing is crucial to the debate. It is difficult to present technical arguments in this particular forum. But we must, for their importance cannot be ignored or overemphasized.

Our team will present witnesses who address the following technical matters: Can paper and pencil multiple choice test scores really tell us who will become a competent adult? What is a competent adult, anyway? Can minimum competency scores tell us who will be able to survive in society? What does it mean to be able to survive in society, anyway?

Can a state-level test measure fairly what is taught to all pupils in all curriculum tracks in all high schools? Can a student who passes a test not have the skills the test purports to measure, and can a student who fails the test really have the skills? How many questions must a student answer in order to pass a minimum competency test?

You will hear evidence that different ways of setting the pass score results in different pass scores. Is this difference critical for many students? Measurement error is a natural part of every test. We will show you the critical difference this error can make to some students in a minimum competency test.

We shall show you that questions on minimum competency tests translated from English to another language are not really equivalent. We will show you that questions which appear to be simple for most students are quite difficult for the learning disabled. And lastly, we will show you that culturally biased items creep into minimum competency tests and that such items do have an adverse impact on many students.

Look. You have all taken tests. Some are good at it and some aren't. You know how easy it is to lose concentration, become nervous, have other things on your mind, make silly blunders that cost you a few points.

In a minimum competency test, because of arbitrarily set pass scores, loss of a few points can be particularly harmful and costly. Yet you are publicly labeled an incompetent, a functional illiterate. Your peers know you have failed. You are pulled out of your regular classes. You may be denied a diploma or you may be kept back to repeat a grade.

It is with these five contentions in mind that our team approaches the three focal issues of the hearing. The first issue addressed by both sides asks the question: Will minimum competency testing programs that use test results for student certification or classification have beneficial or harmful effects on students?

Our witnesses will show that minimum competency tests have more harm associated for individuals than help. We shall offer evidence that those most adversely affected by minimum competency tests tend to be students already experiencing academic problems, poor white and minority children, bilingual students, special education students and students in vocational education.

This adverse impact is the result of prior discrimination, tracking, poor education, and other social and economic factors over which neither the school nor pupils have control. Minimum competency testing alone cannot undo this harm, apart from providing a redundant confirmation of academic problems. Minimum competency testing only serves to compound the injury to these students.

One of the greatest strides in American education over the past half century has been the recognition of individual differences without denying individual worth. Minimum competency testing would hold all students to a single standard. We shall offer evidence from educators and testimony from parents that this policy is insensitive to the person and undermines efforts to develop individual educational plans for handicapped and learning disabled students.

How do we account for the testimony you will hear that many learning disabled students who fail minimum competency tests are nevertheless, often with great courage, quite competently meeting the demands of daily living? Another aspect of this issue is that people who fail the minimum competency tests and are denied a diploma are often cut off from further educational and vocational opportunities. We will show you that these are opportunities that otherwise would have been open to these students and which in all likelihood they would have pursued successfully. You will hear testimony that minimum competency testing can increase dropout rates in high school.

Perhaps the most important aspect of the first issue of the effects on individual students is revealed in evidence from parents, teachers, administrators and researchers that there are serious negative effects on pupil self-concepts. There is no escaping the fact that the most damaging feature of a competency test is that those who failed are labeled incompetent. It is the pupil who is graded, not his or her performance.

These tests are used to credential or certify incompetents, to confer on many the social stigma of a technological scarlet letter, and it is not an "A". We believe that the evidence on this issue is very important.

The second issue asked the question: Will minimum competency testing programs that use the test scores for student certification and/or classification have beneficial or harmful influences on the curriculum and teaching?

Our answer is that minimum competency programs have a negative effect on teaching and on the curriculum. You will hear a lot of evidence that inordinate amounts of time are devoted to teaching for the test. Students often become bored with the repetition and dullness of this drill. Raising and inflating test scores and not the improvement of competency becomes the objective of the exercise.

We admit that test scores go up. The question is whether the skills actually improve or whether scores just rise. This force-feeding in preparation for a test is amply referred to in the British Isles as the gorge and vomit system of education.

You will also hear evidence of reduced investment of time, personnel and money in academic areas, as well as other elective areas such as music, art, physical education and vocational education, which are not covered on minimum competency tests. Simply put -- and there is a load of historical evidence on this -- subjects not tested are simply seen as less important.

We shall offer testimony that minimum competency tests can result in resegregating previously desegregated schools and seriously undermine the strides we made in trying to mainstream handicapped and learning disabled students.

We need to question seriously the threat minimum competency testing poses to the educational process as a whole. What kind of educational philosophy fosters the minimum competency testing movement? What kinds of schools do we want? What kinds of teachers do we want? These are the real questions underlying the second issue.

The third and final issue is: Will minimum competency testing programs that use test results for pupil certification and/or classification have positive or negative effects on the public's perception of educational quality?

Our first contention, you recall, is that the perception that basic skills are declining is in fact a misperception. A serious examination of the evidence reveals that the higher level abilities to analyze data and analyze complex problems should be our primary concern.

By addressing only minimum skills rather than the more difficult higher order skills, minimum competency testing creates an illusion about education. The illusion is that educational quality is synonymous with performance on a minimum competency test. People are told that more and more pupils are competent to face the demands of our society, that once again the high school diploma has meaning, that at last we have truth in labeling in education. This is all an illusion.

The philosophy underlying this illusion is utilitarian. Overconcern with social efficiency at the expense of the wider and deeper aspects of education. The school becomes the competency factory, the teachers the workers, the students the product, the public and prospective employers, the consumers. Passing a minimum competency test becomes a stamp of approval, a guarantee against faulty goods.

But schools simply are not factories. Schools are not places where things are mass produced. Teachers are not assembly line workers or robots. Educated persons are not stamped out or assembled, nor do they come with warranties.

Finally, passing a minimum competency test is no guarantee of anything, let alone of real life success. The illusion works because the public is mislead by the sleight of hand of placing the adjective "competency" in front of the noun "test." How can anyone be against competency?

If we remove the mirrors, we find that the tests are at best a very limited range of proxy measures which bear little relationship to the whole range of adult competencies that you all exercise in your daily life. Minimum competency testing is merely a symbolic gesture by policymakers to underwrite public confidence in the schools.

When the public realizes that minimum competency testing is more symbol than substance, its confidence in the schools and in testing will be further eroded. The last state of the schools will be worse than the first.

Those are the three issues and that's the outline of our case.

There is a term in current use in medicine, "iatrogenic," doctor-induced illness. It's a term which describes the negative unanticipated effect on a patient of a well-intended treatment by a physician.

In closing, I would like to leave you with a newly coined word appropriate to education, "peirogenic," test-induced illness. There are serious unintended negative consequences associated with the well-intentioned use of minimum competency testing. It's the responsibility of our team and our witnesses over the next three days to illuminate these negative features of minimum competency testing for you.

Thank you.

HEARING OFFICER JORDAN: Thank you, George Madaus.

By agreement, the pro team presents its case first. Dr. Popham, are you ready to call your first witness?

DR. POPHAM: Yes.

HEARING OFFICER JORDAN: The first witness, Dr. Michael Scriven.

THE PRO TEAM PRESENTS ITS CASE

TESTIMONY OF DR. MICHAEL SCRIVEN

DIRECTOR OF THE EVALUATION INSTITUTE

UNIVERSITY OF SAN FRANCISCO

DIRECT EXAMINATION

BY DR. POPHAM:

Q Professor Scriven, what is your current position?

A Director of the Evaluation Institute and university professor at the University of San Francisco.

Q Is it true that you were the first president of the Evaluation Network, a former president of the American Educational Research Association, the first editor of

"Evaluation News" and the current editor of "Evaluation Notes"?

A Yes, it is.

Q How many published articles and books have you written in the field of educational evaluation?

A 50 or so.

Q Drawing on your expertise with respect to the impact of educational programs such as minimum competency testing, what is your considered opinion regarding the overall impact of minimum competency testing?

A Well, the last hope for credibility in education.

Q What do you mean by "the last hope for credibility"?

A That if we're not prepared to get to the point of submitting to external examination in the basic skills and if it continues to be the case that people are graduated who lack these basic skills, it is unlikely the public will continue to support the enterprise.

Q So you view the minimum competency testing movement as a significant effort to restore public faith?

A Right.

Q What do you think the likely effects of minimum competency testing programs will be on student skills, Professor Scriven?

A It depends entirely on how they are instituted.

There is no automatic consequence.

Q Do you think that it is possible that a high quality program will have positive effects?

A Of course.

Q What do you think the likely effects of minimum competency testing programs might be on students' self-concepts, their attitudes and so on?

A Whatever effects are associated with being honest about your own competencies. Sometimes that is unpleasant. Sometimes it is the beginning of a new start. Sometimes it is very pleasant, because you discover that you are able to do these things in fact.

Q You seem to think that honesty is a fairly critical ingredient in these kinds of programs.

A Right, the key ingredient, I think.

Q Could you elaborate a little bit on the notion of honesty with respect to minimum competency testing programs?

A Well, I think that the problem that we face is one of the consequences of the attractions of local control of schools. If you have local control many good things can be done. But one of the results is that parental pressure on the teacher, on the principal, for social promotion becomes enormous.

Teachers are really not in a position to take on the power figures of the community and tell them that their kids can't be moved up because they are overall judged to be not able to handle the next academic level. Over the years that has just meant continued erosion. It is something we have brought on ourselves. It is not a sign of incompetent teachers. It is one of the natural consequences of increased anxiety by parents and increased pressure by them.

What MCT programs offer is some independence for the testing system, some objectivity and professionality about developing it, which enables people to say: The tests show that your child is not yet ready for promotion or graduation. That's a very strong and useful weapon in the armament of the school in endeavoring to get students into the right position to provide the appropriate educational services to them.

I think we are due to provide that support system for the school despite the fact that on a single run of the test you will sometimes misclassify. Of course you have to arrange for multiple tries at the test.

Q If I understand you, you are suggesting that the possibility of using these tests would strengthen the teacher's hand in coming up with honest decisions about which students should be advanced?

A Exactly.

Q If there were evidence to suggest that student mastery of basic skills in the three R's is not declining, would you be reassured by such reports?

A I am not interested in whether the average is declining, and that's what those figures show. The question is where is the flaw, who are you promoting as if they were competent when in fact they are below a reasonably acceptable level of competency. The crucial question is not whether the average is moving up or down slightly. The crucial question is what the system does in the way of graduating people who lack the basic skills.

Q Do you think the criticism that minimum competency testing programs place the burden of responsibility on students rather than educators is a valid criticism?

A I can't imagine one should think that the people that did the teaching are not responsible for the outcomes.

Q So you think that the teachers will still remain responsible?

A Of course.

Q What about the contention that a student is unfairly penalized because of ineffectual efforts on the part of teachers?

A Well, you have to be clear about what you think the testing program is going to do. It is not awarding goodies in a lottery. Of course using the same stopwatch in track and field tests for black and white races is going to lead to the discovery that whites are pretty incompetent in footraces. I don't know whether it follows from that that you should say that they are being penalized. The truth is being told. It turns out that whites are not very competent at this. I don't know whether we should suppose that that means we should change stopwatches so that there is a white stopwatch and a black stopwatch.

Q So when I go into a barbershop, you do not think that I am being penalized?

(Laughter.)

A Only the barber is being penalized.

Q He certainly does not get a laudable tip.

Tell me, since minimum competency testing constitutes a relatively recent strategy in the U.S. to improve the honesty associated with education, there are surely now some less than adequate instances of minimum competency testing programs. Does that trouble you?

A No. I don't expect a new technology applied on this scale, with all the social context that comes with it, to be fail-proof. That would not be reasonable to expect. It is simply the beginning.

When "Consumer Reports" began it made lots of mistakes in testing goods, and even though students are not goods they are similar in one respect. They are expected to be able to perform certain minimum standards when someone hires them or puts them into a college where they're going to be taught at a higher level, and so on.

So the idea of minimum standards is something you have to have around and work at. You just have to get started with it, or else you are running too late in the race with the kids. They finish up being socially promoted and in fact being lied to and eventually it turns out too late they are not competent at the point when they really need the competency.

Q Well, critics sometimes argue that with the installation of minimum competency testing programs in their current, but less than perfect state, there will be too many youngsters who will be harmed during this evolution period. How do you respond to that?

A It is worse now. There are too many youngsters now that are being harmed by being promoted. It is a terrible harm. We are also slowing up people who can move faster, not providing appropriate services to the people that need it.

The present system is very harmful. You are misleading employers. You are misleading parents. You are putting people into a position where they need five years of education that they didn't get and it's too late to get it. This is harmful now. We have to move to something better than that.

The whole concept of MCT is just one case of external examination. We have plenty of experience with external paper and pencil examinations in other countries at all levels of education and in this country at higher levels of education with the SAT. It's not something that we can't expect to get reasonable results from, given a little time to work out the details.

Q You have during your career been a champion of minority and women's rights. I am particularly interested in your estimate of the extent to which minority students will be disproportionately harmed, if that is the case, by minimum competency testing.

A Well, the question is simply whether you do better by lying. If generations of discrimination have indeed produced the expectable results in lack of home support and academic support for minorities and women in certain areas, then you must expect it to show up in competency testing. If you decide to disguise the results you will not be able to mobilize social support for remedying those decades of prejudice.

The MCT approach is simply the instrument that reveals the way the situation is. It will of course reveal that there has been some discrimination going on. We should not be surprised by that. That is not a sign that you are penalizing someone. That is a sign that you are revealing that you have penalized somebody. You are being honest about the penalties.

Q And it is difficult to ameliorate those deficiencies unless you isolate them?

A It is impossible.

Q Let's turn to the curriculum of the public schools for a moment. Do you believe that the curriculum of the schools will necessarily be watered down by the introduction of minimum competency testing?

A No. I think that whatever happens in the very short run in a school district or state that is unfamiliar with this will quickly be offset by the simple realization that an extension of the testing program will provide pressures on the curriculum to make the same efforts across the whole curriculum.

Q Let's turn to tests for a moment. It has been argued that tests are essentially, of the minimum competency type, are redundant; that teachers already know who is failing; that minimum competency tests just add a superfluous estimate of student performance. How do you respond to that?

A They may know, but not be able to do anything about it. That's the point I was talking about earlier. They may feel that they can't undertake the campaign of defense against attack that is involved in refusing to promote a student to another class or to graduate a student.

So the fact that they know it is not enough. It has to be that they take the appropriate educational remedy steps, and they are not always able to do that.

The second aspect of this is that it is not certain that they all know it. It is not clear whether they know it. Now, parents have a right to know it. The citizen-taxpayer who is not a parent has a right to know it. The employer has a right to know it. MCT is a way of determining that that right is met.

Q What about the criticism that tests are currently less than perfectly accurate and therefore mistakes will be made? How do you respond to that concern?

A It is perfectly true, of course they are less than perfectly accurate. Driving tests are less than perfectly accurate. They are just better than what comes second.

Q A great deal of attention has been given to the passing standard question associated with minimum competency testing because I suspect that we have not looked as seriously at that issue as we have in recent years. Is it true that passing standards for competency tests must be set capriciously and arbitrarily?

A That's like the question of whether you have to set the standard that distinguishes a bald man from a man with a full head of hair capriciously, arbitrarily. If you have to define it to the last hair, then it would be capricious to that extent. But if you have to make a distinction between you and me, it is not that capricious.

(Laughter.)

A That was an unrehearsed answer.

Q And it will not go in the tape.

(Laughter.)

Q It has been argued that minimum competency testing is a simplistic solution to a complex educational problem. Do you think it is?

A It is not a solution. It is the beginning of a solution. It is one step towards a solution. You don't suddenly achieve great teaching by introducing MCT. What you introduce is a little light, and in the light of that light maybe you can see what you need to do with your resources.

Q In summary, then, as one of the world's foremost educational evaluators, what is your estimate of the merits of minimum competency testing, its likely future?

A The last hope of education.

DR. POPHAM: Professor Jordan, we plan to recall Professor Scriven later on, but at this juncture we are through with his initial testimony.

HEARING OFFICER JORDAN: Thank you.

Dr. Madaus, cross-examination?

CROSS-EXAMINATION

BY DR. MADAUS:

Q Professor Scriven, you have written extensively in the field of evaluation and I have tried to keep up with your output. In most of what you have written, you are very strong in indicating that we need multiple imperfect measures to evaluate programs. An evaluator should go in, get as many measures as possible on the program, use all of these measures in a decisionmaking framework to come to some decision about the value or the worth of an educational program.

Why doesn't the same line of reasoning work for individuals? Why don't we use multiple indicators to make decisions about promotion or graduation?

A We do.

Q We do? Well, how do you explain the fact that all other indicators can be ignored if the student doesn't get a certain cut score?

A Because the way that we're doing it at the moment it doesn't work real well.

Q It doesn't work well?

A So you have to fall back on the simplistic approach.

Q And in the meantime, are you not upset that the simplistic approach may be hurting students, particularly students around the cut score?

A I'm always upset when a simplistic approach has to be adopted. It won't be as good as the ideal solution. It's just that sometimes it's better than any alternative.

The distinction between the multiple independent indicators thing that I normally talk about and this case is that, in this case, the promotion of the child or the graduation, it's simply a case where the multiple independent indicators are picked up by multiple, independent people using multiple, independent standards, and you don't know what they are.

Q But couldn't we arrive at a program where multiple independent indicators are used to make decisions?

A Sure. Have a state or district or external system of evaluation which uses them.

Q Professor Scriven, I would like to read something to you. This from the proceedings of the Second National Conference on Testing, at which I think you were a reactor. This is on page 138:

"Some security problems have emerged and were commented on, especially on minimum competency tests. My grapevine information from Florida suggests that enormous improvements in success rates when those who failed the first time retook the test were due to ingenuity rather than increased competence."

Is your grapevine still accurate on that?

A Absolutely.

Q So the test scores are going up without necessarily an improvement in skills?

A In some places where it's not properly administered.

Q And Florida would be one of those places?

A It would.

DR. MADAUS: Thank you very much. We reserve the rest of our time until Professor Scriven comes back.

HEARING OFFICER JORDAN: Thank you very much, Professor Scriven.

Mr. Joseph Murray.

DR. POPHAM: While Mr. Murray is being wired, I will point out that our next several witnesses will describe the minimum competency testing in the State of South Carolina.

TESTIMONY OF JOSEPH MURRAY,
FORMER REPRESENTATIVE,
SOUTH CAROLINA LEGISLATURE
CHARLESTON, SOUTH CAROLINA
DIRECT EXAMINATION

BY DR. POPHAM:

Q Mr. Murray, what is the nature of your association with the South Carolina minimum competency testing program?

A I was in the General Assembly in South Carolina and I, along with a close friend of mine, Hudson Barksdale out of Spartanburg, South Carolina, co-authored the original legislation.

Q And that was roughly when?

A 1977.

Q You are very frequently referred to as the chief architect or certainly one of the chief architects of that particular program, which has received a fair amount of national attention in recent years. What was it that induced you to become active in support of that legislation?

A In 1974 when we were campaigning around the county to get elected, which was my first time out, education was the number one issue at that particular time. But to my dismay, after everyone got elected and they got in Columbia, they forgot about the issues.

Q Did that only happen in Columbia?

A Well, I assume it happens quite a bit in politics.

And I had a different sort of commitment to myself, and when I tried to get support to try to look into this problem of education, I was politely told that we've got another couple of years and they will come back and tell us that's a problem two years from now, and we will promise to solve that problem and then get elected again, and we will just keep the merry-go-round going.

But I didn't have that kind of commitment to myself that I made to the people. So Hudson Barksdale and I in 1975, we got to work on trying to find out what this real problem was, and we searched and looked around for two years. Really. And we finally came together with a startling piece of legislation, the original legislation in 1977 that sort of shook the state up completely and got everyone thinking about education.

Q Do I surmise that you actually went out to the schools in South Carolina and found out what was going on there?

A In and out of South Carolina. We talked to -- he took the upper part of the state and I took the lower part of the state, to administrators, teachers. You know, everyone knew what the problem was, but for some reason no one wanted to aggressively attack the problem. And that's when I was originally amazed by all of this.

Everybody knew that we were pulling out kids that couldn't deal with the basics, you know, couldn't read, couldn't do basic operations in math. Everybody knew that a lot of kids were being socially promoted. Everybody knew that when these kids went to seek employment, this old saying that you hear quite a bit that they couldn't fill out the application, everybody knew that was true.

But nobody was doing anything about the problem. And in the meantime, we had a number of kids coming out of the system that were suffering, I mean just being penalized for the rest of their lives. And I just felt that we had to be a much better state than that, that we could do a better job than that.

And so we proceeded. I had a colleague that believed in attacking problems. I like to attack problems. I don't like to find a reason why this problem should be moved on in hopes that it will go away. I like to attack a problem and try to find a solution to it.

And fortunately, I just happened to be in a state that had a lot of people that also like to attack.

Q So at the time you and your colleague surveyed the state to discover what the quality of schooling was with respect to basic skills in South Carolina, you came away with the conclusion that some effort was required to improve the quality of schooling?

A I think that -- you see, the first thing I noticed out there was that whether it was true or not, that the people, you know, were losing confidence in the system. Whether the school system was doing the job or not, you had to turn that around.

We also knew that these things that I mentioned previously were taking place in South Carolina, and from what I found out later on it was taking place, you know, almost across the country.

Q Later on other witnesses will describe in detail the nature of the South Carolina minimum competency testing program. But in essence, it features a system of tests given at several grade levels, with students and parents of those students being informed --

MS. PULLIN: I would like to object. He is leading the witness and testifying himself, rather than allowing the witness to testify for us.

HEARING OFFICER JORDAN: Confine yourself to direct questions.

BY DR. POPHAM: (Resuming)

Q In the South Carolina basic skills assessment program which you authored what is the nature of the testing and what happens to students who don't do well on the test?

A Okay. The guts of our program is, unlike a lot of other States, was not to penalize anybody. The guts of our program was to start at the bottom instead of at the top. Our program actually starts with that first entry into the first grade, which is our readiness exam, which has nothing to do with whether the kid will or will not go into the first grade. It is simply designed to find out where the kid is at that point, so that that first grade teacher can get a head start on getting assistance right there in that first week or so.

Then we have another test at first, second, third, fifth, sixth and eighth grades, which is criterion referenced. And that we'll hopefully -- with the help of a few of my friends, I hope to some day in the future plug into fourth, fifth, seventh grades, so that we will have a system where you will have first through eight grade criterion referenced every year.

Q So why is it you felt this kind of testing program would help youngsters in South Carolina acquire basic skills?

A Because you need to start as soon as possible. I like to say that if I have a slight tooth ache, I don't want to wait around until it becomes abcessed, you know, and I have to have it taken out. As soon as I find from indication that there is a defect in that tooth, I want to get to the dentist as quickly as possible in the hopes that I can save the tooth. I don't want to have it taken out.

Q Do you see the South Carolina Basic Skills Assessment Program as helping or harming minority students?

A I have had that question posed to me a number of times by blacks in South Carolina, and the first thing I normally say to myself is why would I want to do anything to harm blacks? I mean, that is really out to lunch.

But to be very honest with you, when I first started, the main focus of what we were trying to do, Hudson Barksdale and myself, was to solve the problems of black students, you see, but when we got out there we found out that it was a problem of kids, period, within the system. But now I think the gentleman before me stated it probably as best as it can be stated, what more can you do to kids than what is happening to some of the kids now that are getting out of the system?

And I don't want to take up a lot of time, but I should tell you about an experience that I had. I had a close friend of mine that was an attorney, and we used to play chess a lot, and often we had to go to county jail, and I was amazed at some of these young kids --

Q Because of the chess you had to go to the county jail?

A No, because he was an attorney.

Q Oh, you played some pretty big stakes games.

A I'm sorry. Sometimes I get excited and skip over words. Often he was called to the county jail by someone to get this kid out of jail. I was amazed at the 12 and 13 year old kids, and finally, whether it was legal or not, I eventually, after a period of two months, got the names of about ten kids, and I actually traced each one of those kids back, all the way back from the time when they first came into the system, and believe it or not, their background from the time they entered into the first grade was very similar in that they kept falling further and further behind, and it got to the point where they did these disruptive things to take away from their deficiencies.

So they eventually dropped out into the street where they became good students.

Q Well, then, the claim that minority students in South Carolina might fail more frequently than majority students doesn't concern you at the outset?

A As far as basic skills?

Q That's right.

A Oh, no.

Q Because you think that the effect of those tests will be --

A It's that any deficiency that they have will be identified as soon as possible, you see. In the system we have, I think it tests about the same way.

After the third grade, I would say that is almost too late. It took three years of deficiencies, but here we are talking about that first week or so in the first grade that you will look at that kid and find out where he is at that point. So I just don't see it. We looked at that very closely because a lot of other states had a lot of problems in the black community with the basic skills, and we were very sensitive, Barksdale and I were very sensitive to that, and we really addressed that problem. And we haven't had any complaints in South Carolina from the black community.

Q Looking back on a mission that you personally undertook in the mid-'70s, what is your overall estimate of the South Carolina minimum competency testing program currently?

A Probably as excited as you can possibly be about the overall program. We have made some gains the first year. I expect those gains to improve in the second year, and I expect that it will continue until hopefully over a period of years in South Carolina we will probably have the best educational system in the country.

DR. POPHAM: Thank you.

HEARING OFFICER JORDAN: Go ahead.

CROSS EXAMINATION

BY MR. HANEY:

Q Mr. Murray, I would like to ask you a few questions about your testimony simply to clarify the nature of the South Carolina program.

First, I was wondering whether you could tell us what the title of this legislation was that you introduced in 1977 regarding statewide testing in South Carolina?

A We have in our legislature title by numbers. We don't give it names like they do up in Washington, like the Basic Skills Act and so forth.

Q Well, could you tell me then what the current title of the program in South Carolina that you have been describing actually is now?

A Basic Skills Assessment Program.

Q Basic Skills Assessment Program. It is not known in the state as the Minimum Competency Testing Program?

A Not at this point. Originally it was.

Q Can you tell me also, does the Basic Skills Assessment Program in South Carolina as presently implemented require a provision that students must pass a statewide basic skills test in order to receive a high school diploma?

A Let me say something about the legislation that is currently in place. I will have to say something about the amendments currently in the process of being passed.

Q Right. Well, I hope we can establish a few basic facts about what the program is now in practice, and as you have mentioned, we can get into more detail on the future of the program with other witnesses.

But as currently implemented, is there any high school diploma sanction implemented as part of the progrm?

A Right

Q There is?

A Yes.

Now, you see, it is very unclear, and that's why I wanted to clarify it for you because, you know, you can have some misconceptions here about that particular program. That legislation passed the very last day of the session. It would have died if it didn't. In order to do that, we had to table every amendment that came up, and when the legislation actually passed and was signed by the governor, it had a number of defects in it.

But currently -- and that's why I want to clarify this -- currently there are some amendments that have already passed the House and Senate, I think -- and Dr. Sanford will know more about this than I do -- that will clarify the whole piece of legislation.

Q What I would like to clarify, though, is not what the legislation of the future is. What is the program now?

Earlier you testified that the program has been implemented.

A As far as the high school diploma is concerned, there is a conflict.

Q The program as now implemented, does it contain a high school diploma sanction or not?

A Yes, it does.

Q The program as implemented? If students do not pass the statewide test?

A There is a reference at that particular point. But here again, in another section you will find a conflict with that particular reference.

Q I'm sorry, I am referring to practice, not program.

Let me return to something you have said earlier.

You said that one of the main features of the South Carolina program was that it starts early rather than late.

Would you say that a program that began with the 12th grade and worked downwards is as good as your program which began at the first grade level and works upwards gradually over time?

A I think -- and this is my personal opinion -- any program, and I don't care what state it is, that starts with a test in the eleventh grade with no other preparations beforehand is harmful to a sizeable number of students. I don't care whether you are talking about minorities or any other category.

MR. HANEY: Thank you very much.

HEARING OFFICER JORDAN: Thank you very much.

Dr. Paul Sandifer.

TESTIMONY OF PAUL SANDIFER,
DIRECTOR OF THE OFFICE OF RESEARCH
SOUTH CAROLINA DEPARTMENT OF EDUCATION
COLUMBIA, SOUTH CAROLINA

DIRECT EXAMINATION

BY DR. POPHAM:

Q Dr. Sandifer, what is your current position, and how long have you held that position?

A I am Director of the Office of Research, South Carolina Department of Education. I have been there approximately six and one half years.

Q Prior to your six and one half years in South Carolina, did you have any other experience in education?

A A number of years, about eight, as a classroom teacher, seven with the Wyoming Department of Education.

Q We have heard in previous testimony allusions to the South Carolina Basic Skills Assessment Program.

Could you please describe the main elements of the Basic Skills Assessment Program?

A The main elements in the legislation enacted in '78 that Representative Murray referred to, the first one is the proviso for the identification of educational objectives in the basic skill areas of reading, writing, and mathematics for grades K through 12, the setting of minimum standards of performance relative to those objecties for the grades in which we test, the administration of a readiness test at the beginning of first grade students, and testing at the end of grades 1, 2, and 3 in the areas of reading and mathematics, at the end of 6, 8, and 11 in reading, mathematics and writing.

The program or the legislation has a specific implementation schedule that phases in various aspects of the program over a period of several years.

Q What is the nature of a high school diploma sanction in the South Carolina Basic Skills Assessment Program? If a student doesn't pass the 11th grade test at this moment, is a diploma denied?

A Not at this moment. The 11th grade test would be administered for the first time in the spring of 1982. The legislation, as Mr. Murray pointed out, is somewhat ambiguous in that regard. There is a statement that says that the state board will use the results obtained through the period '82 through '89 to determine the type of credential to be awarded the students who do not meet the minimum standards. It is not clear really what that means. So some interpret it as meaning that the state board may indeed decide to go ahead and award the regular high school diploma. At any rate, under the current law, the earliest senior class that would be affected by it would be 1991.

So given the ambiguity in the current law, that might be clarified prior to that time?

A That's very likely.

Q What are the major objectives, that is, the major skills that are assessed in the South Carolina minimum competency program and how were they chosen?

A The major objectives, as indicated, are in the areas of reading, writing and mathematics. There are six in reading, five in math and five in writing that are constant for all twelve grades. The level of the subskills, or skills and subskills, the difficulty of them varies by grade. The level at which they are assessed would obviously increase in difficulty as a function of moving through the grades.

The process of identification, we began with material or objectives that have already been identified in local school districts by requesting districts to submit to us, that is, to the Department of Education, any objectives which they had already identified. We took those objectives, objectives from other places, other states, reviewed them, compiled the initial listing of objectives which we then reviewed with committees of South Carolina educators, one in each of the areas under discussion.

After some review and revision by committees of educators, the objectives were then distributed to every school in the state of South Carolina for review by teachers, administrators at the school level. Simultaneous with that, we conducted some regional public meetings in the evenings and advertised those through the various meetings, inviting the public to participate in a review and discussion of the objective setting.

The objectives subsequently went to the Basic Skills Advisory Commission which was created by the legislation, and then from the Advisory Commission to the State Board of Education, and under an Administrative Procedures Act in South Carolina, through a legislative process for approval by the legislature.

Q Would you think that this process constitutes what might be referred to as conscientious competency selection?

A I would say so.

Q Is the South Carolina Basic Skills Assessment Program a minimum competency testing program?

A Well, in the generic sense it certainly is, and under the definition that has been given here, although the title of the legislation does not include minimum competency, the definition being used, it would certainly come under it.

Q Could we stop just a moment? The definition being used is that students can be denied diplomas or grade promotion, but also students are classified.

Is that your understanding?

A Right. And we aren't talking about grade promotion or denial of diploma at this point but certain~~ly~~ are identified for the purpose of receiving special instruction or appropriate instruction depending upon what their needs are. There are standards set at each grade.

Q Right.

Well, therefore in this sense it is conceivable that the South Carolina Basic Skills Assessment Program constitutes one variant of the minimum competency testing program, is that your understanding?

A I think so, very definitely.

Q What is the main thrust of the Basic Skills Assessment Program in South Carolina? What is it really trying to do in addition to promoting the 16 basic objectives?

A I think there are two main thrusts. One is instructional improvement that is embodied in the identification of the objectives to begin with, and the fact that classroom teachers now have in hand something that a lot of them have never had before, that is, a clearly defined set of skills and objectives in various areas. Some of them have had them because some districts were conscientious about doing that. Others have not. So instructional improvement is the first focus.

The other main thing I think is providing appropriate instruction to help students overcome deficiencies early on so that those things are not aggravated or multiplied as they move through the system.

Q So clarity of instructional intent is one thrust of the program?

A Certainly.

Q And a second is providing adequate resources for students who don't do well to do well, is that correct?

A The law is very specific in that regard, that the readiness test, for example, is to be used for providing appropriate developmental activities for students who are not "ready" for the normal first grade curriculum.

The other tests are to be used as an aid in diagnosing the deficiencies and as a basis for providing appropriate basic instruction to help students overcome deficiencies as exhibited by the tests.

Q Isn't the South Carolina program somewhat distinctive in that it starts 12 years in advance in a sense, and has the program going all the way through?

A It is as far as I know. We begin -- I guess there is not much way to begin any earlier unless we start with kindergarten.

Q What are the early indications, if any -- and I know it is early in the program -- of the Basic Skills Assessment Program's impact on students?

A So far the only data that we have for looking at over more than one year comes from the readiness instrument. There was an increase in the percentage of students identified as "ready" between the first year of administration and the second year. That went up by I believe something like 3 percent on a statewide basis, a shift from 60 percent one year to 63 something the second.

The largest shift, the biggest increase was in the minority subgroups. For black students the shift was approximately a 5 percent increase between the first and second years. I don't know whether that is real or not.

Q So this is with respect to the readiness test, the very first test that is given, and the other tests have just been administered, and therefore we don't have any real evidence as to how the program is impacting on students yet?

A Right. The tests into grades 1, 2, 3, 6 and 8 were administered in May of this year, and we won't have the results until probably mid-August.

Q We will hear from other witnesses later regarding their estimates of whether the Basic Skills Assessment Program will affect students beneficially.

Do you have any hunches as to how that might turn out?

A My hunches are that it will affect students beneficially. I mentioned a minute ago the statewide results in terms of the shift in the percentage of students ready. We looked at the data by district as well and noted a number of districts, 19 to be more precise, in which the increase or decrease in percentage of students ready was in excess of 10 percent between the years. There was one district in which there was a decrease, 18 in which there was an increase. We have no basis for really knowing what was causing that. We contacted the superintendents of those districts and asked them to share with us their perceptions. What we got back was quite varied. There was one common thread through it, and that was an increase in the emphasis on the state-identified objectives for the kindergarten area, but coupled with the responses, or woven throughout them are things that dealt with new programs, parent involvement, the Puzzle of Parenting program which the Department of Education sponsors through local districts, summer programs involving students who had been in extended day kindergarten, and who had already been identified as most likely to have difficulties in first grade.

I see nothing at this point that has been detrimental to students. I would think it has a lot of potential for some positive effects.

Q Thank you.

Do you think the program is having any influence on teaching or the curriculum in South Carolina?

A I think it is. As I indicated, some of the material that came back in our inquiry to the district superintendents, where they had an increased emphasis on the kindergarten objectives -- and this was prior to the testing that we did in May of this year, there have been requests for workshops for curriculum revision and coordination from districts throughout the state, and we see considerable evidence, at least no figures but considerable evidence to support the notion that there is quite a bit of change taking place in curriculum and instruction.

Q If I understood your earlier response, you indicated that this kind of curricular clarification was fairly new in South Carolina at the state level.

Do you have some reason to think that the state's teachers are resisting the imposition of the state level clarity?

A Well, I would be less than honest if I said that they were totally unanimous and embraced it wholeheartedly.

Q I would not want you to be less than honest.

A Well, I would not attempt to.

Q Maybe just a little less than honest.

(General laughter.)

A There has been no organized resistance to the program.

(General laughter.)

Q That's a little too honest.

A There is sporadic resistance, not to the program but to some of the administrative things, primarily related to the administration of the readiness instrument. The readiness test is an individually administered test. It requires 15 to 30 minutes per child. We forsake administrative convenience in the interest of doing the best job we could with assessment. There has been some objection from the elementary principals as a group to the administration of an individual test, not to the testing itself nor the purpose of the program, but just to the logistical considerations.

Q I gather that that is not exclusively a paper and pencil test but involves some other things as well?

A There are only two items on the entire test that are paper and pencil. It is mostly a performance test, verbal responses, pointing, physical activities.

Q And how old are the youngsters who take this test?

A They are beginning first graders, approximately six.

Q So after teachers individually administer tests for approximately 30 minutes to 25 or so beginning first graders, they are not all that happy? Would you be?

A The teachers, there is no opposition that we have noted from the teachers. The teachers like it. The principals don't like the administrative inconvenience because the tests are administered by the teacher, and it requires the use of staggered attendance or supervision of students who are not being tested, and it is something of a problem in that regard.

Q How do you think the public is responding to South Carolina's minimum competency testing program?

A From my standpoint, that can best be gauged by the Basic Skills Advisory Commission and through reactions in the media. The Basic Skills Advisory Commission was established by the legislation for the purpose of advising the State Board of Education, the Governor and the General Assembly on the implementation of the law. The Commission is composed of educators, lay public, some representation from the General Assembly, and the reaction of that group, which is a 25-member commission, has been very positive. They have been very supportive. They have been very effective in working with the legislature, in increasing the funding for the program.

The press at this point has been very supportive of the total program.

Q In sum, Dr. Sandifer, what is your overall appraisal of the South Carolina minimum competency testing program?

A My overall appraisal, although it may not reflect a great deal of modesty on my part to say so, since I have been involved in the implementation of it, is that it is one of the best ones going. We think a great deal of its potential -- and we think it has a lot of potential for some very positive effects on the lives of the children of South Carolina.

DR. POPHAM: Thank you very much.

HEARING OFFICER JORDAN: Cross examination?

CROSS EXAMINATION

BY MR. HANEY:

Q Thank you.

Dr. Sandifer, I would simply like to ask you a few questions to clarify the nature of the program in South Carolina in general, and second, to clarify the nature of the readiness assessment which was the topic of much of your testimony; and third, to ask some questions about the nature of changes that may have taken place in South Carolina as a result of the program.

On the first point, I would like to point out your words. You said -- and I believe this is your exact sentiment -- "we are not talking now about grade promotion or diploma denial."

Is that accurate?

A If that's what I said, that's accurate. We are not talking about -- there is no provision in our legislation for promotion or retention of students as a function of the testing.

Q Fine. Thank you.

May I ask you then, is the Basic Skills Assessment Program intended to be used as a sole means of identifying children to receive special remedial instruction?

A I don't know that I can answer that. There is nothing in the law that says that it is the only basis for identifying students who need special remedial instruction. It does say that students who do not meet whatever the standards are that are set will receive remedial instruction or basic instruction. I think that is the term used in the law.

Q Thank you.

Would you say that there is any specific decision that flows from children receiving a specific score on any of your basic skills tests?

A A specific decision?

Q That flows automatically from a child receiving a particular score on any of your basic skills tests?

A Yes, there is a specific decision. If it is below whatever the standard is, then by law, the districts must provide appropriate instruction -- appropriate being determined by what the particular child's needs are.

Q Fine.

Now I would like to move from the program in general to the readiness assessment which you described at some length.

First of all, when the readiness assessment was first implemented in 1979, did you not prepare special guidelines for teachers on the use of the test results?

A Yes.

Q Was the title of the guidelines you did prepare not "General Statements of the Use of This Readiness Instrument for Instructional Purposes?"

A I am not sure what the precise title was. We prepared a number of documents since 1978.

Q Well, would it be accurate to say that your guidelines took the form of a list of don'ts and do's?

A That I can recall, some do's and don'ts on the use of the results.

Q The don'ts came before the do's, interestingly enough, and if I may read from this document, your first don't was, and I quote, "Don't rely on this one instrument as the sole indicator for readiness."

Is that accurate?

A That's right.

Q Fine.

Next I would simply like to ask a couple of questions about the results that you described previously. I believe that much of your testimony was based on a document that you entered into the record of the hearing titled "Cognitive Skills Assessment Battery Follow-up on

1980 Results."

A Yes.

Q Concerning the evidence in the document, I believe you testified that the gains on the readiness results from 1979 to 1980, the cause of those gains was unclear. I believe your specific words were I don't know whether the gains were real or not.

Is that accurate?

A That's accurate.

Q The document you submitted contains the perceptions of 18 school superintendents whose children's scores increased by 10 percentage points from 1979 to 1980. Reading those perceptions, I noted that there was only one reply which cited any objective evidence in the form of standardized test scores other than your own readiness test results.

Were you aware of that fact?

A Yes. I believe we asked them for perceptions, not necessarily data.

Q Right. I realize that is what you asked, but only one provided objective evidence.

Might I note that the director of testing in the one district which provided direct evidence said, and I quote, "thinks the improvement in readiness may not have been real."

Second, this is the director of testing, suggested that scores may have been changed because of the way teachers scored ambiguous answers.

Is that correct?

A That is, as I recall, that was one response, right.

Q Third, in citing independent test data, this director of testing said our district means on the standardized test given less than two months after your readiness test "were almost exactly the same this year as last year."

Is that accurate as you recall it?

A As I recall it.

Q In other words, in your own view, you do not know whether the gains on the readiness assessment were real or not, correct? Your own personal view stated previously is that you do not know whether the gains on the readiness assessment were real or not?

A Yes, that is accurate.

Q But the only district which has provided independent, objective evidence concerning the gains from 1979 to 1980 suggests that the gains on your readiness assessment are not paralleled by gains on an independent standardized test, a nationally normed standardized test.

A That was in one district, yes.

Q Yet the only district that provided such objective evidence.

Thank you very much.

HEARING OFFICER JORDAN: Thank you.

We will now recess the hearing for a 15 minute break, and we will reconvene at approximately 11:15.

(A brief recess was taken.)

HEARING OFFICER JORDAN: The hearing will reconvene, and we will hear from the next witness for the Pro Team, and that is Gary Leonard.

Now, you want a brief redirect?

DR. POPHAM: Yes, of Dr. Sandifer.

HEARING OFFICER JORDAN: Dr. Sandifer, please come back.

Dr. Paul Sandifer for a brief redirect.

REDIRECT EXAMINATION

BY DR. POPHAM:

Q Dr. Sanifer, you received a fair number of questions about a report from a test coordinator which was, if I recall correctly your testimony, one of 17 reports that you received.

Could you clarify whether this was a preference voiced by many or only this one out of the 17?

A That was only one of the 17 that I recall that had questions about whether the gains were real in their district.

Q And the rest of the test coordinators were somewhat positive?

A Right.

DR. POPHAM: Thank you.

HEARING OFFICER JORDAN: Is there any recross?

RECROSS EXAMINATION

BY MR. HANEY:

Q My only question concerns the conclusion from one district in South Carolina. Is it nevertheless not true that this was the only instance where a response to your question about what had caused changes in test performance included any independent, objective data from a nationally normed test?

A That, as I recall, is the only district that used normed data.

MR. HANEY: Thank you.

HEARING OFFICER JORDAN: Thank you.

Thank you, Dr. Sandifer, one more time.

You are excused.

The next witness, Gary Leonard, principal of the Mt. Pleasant Academy Elementary School at Charleston, South Carolina.

TESTIMONY OF GARY LEONARD

PRINCIPAL, MT. PLEASANT ACADEMY ELEMENTARY SCHOOL

CHARLESTON, SOUTH CAROLINA

DIRECT EXAMINATION

BY DR. POPHAM:

Q Mr. Leonard, what is your current position and how long have you held it?

A I am principal of Mt. Pleasant Academy Elementary School, a part of the Charleston County School District. We are a public school, not a private school. I have been principal there for three years.

Q Could you describe the Mt. Pleasant Academy Elementary School and the community in which it is found?

A We are a kindergarten through fifth grade school which is the norm in Charleston County. That is the elementary school sequence. We have less than 300 students. Our racial make-up is 70 percent/30 percent, which is pretty well our attendance zone make-up. We are what you might call a neighborhood school, but I have 15 students that are bussed from outside a mile and a half to my school. We are pretty much self-contained.

The socio-economic area goes from public assisted housing to that of $200,000 in some homes. So we have a wide range of students and parents.

Q Maybe I missed the part about the racial make-up, but I heard it was 70 percent/30 percent.

A 70 percent white and 30 percent black.

Q Very good.

What has been the general impact of the South Carolina Basic Skills Assessment Program on Mt. Pleasant Academy Elementary School?

A We feel it has been very positive because we have looked at testing as a positive approach to education. We use tests to help us in our instruction and our curriculum. So faculty, students and parents, we have tried to make a very positive situation, a very nonthreatening environment.

Q How is the Basic Skills Assessment Program implemented in your school?

A Of course, we receive a great deal of guidelines from the State Department of Education which Dr. Sandifer has mentioned. Our county curriculum staff also gave in-services, which also the state did, gave us written guidelines and in-service was explained to me and also some of our staff. In turn, we would filter this on down to the appropriate personnel.

How it was implemented was a combination of all three things, namely, person to person instruction.

Q So you have the state or the county, and then your own staff?

A Yes.

Q In the implementation of that program, did you find your co-workers very positive, very negative? How did they respond to that?

A I think any person, when you have a tremendous change in a system, whether it be education or anything else, I think there are always apprehensions. Initially there were apprehensions on our staff. As Dr. Sandifer mentioned, there was no organized disruption of the system. Once they saw what the purpose of the program was and how it was being implemented, they thought it was very fair and very in line. It was not an accountability system, which you mentioned in your prior opening statement.

So we don't feel that it is an accountability of teacher performance. We are looking at deficiencies and strengths of students.

Q What do you think has been the effect of the Basic Skills Assessment Program on teachers in your school? How have they responded to it personally?

A Like I said, initially they were somewhat apprehensive, but as far as helping them as a teacher, they were very positive because they could zero in on certain things that your peers, state department level people and the community feel is important in education. So this helped them a great deal. Before, our instruction was based on state guidelines or defined minimum program, or county directives, and textbooks, plus what the teacher feels is important. So this gives us more of a stronger thread to our curriculum.

Q This clarification of intended outcomes that the state supplied as a consequence of the minimum competency testing program, this the teachers viewed as a positive force?

A Right. If you are referring to the remediation of deficiencies, it helps the teacher. We test the child at the end of the spring so the next teacher will know where deficiencies are and will start working with them as individuals and as groups.

Q Do you think the teachers are beginning to feel that they are perhaps more efficient at their activities?

A Most definitely, sir, because time on task is very important, engaged time in learning is very important.

Q Could you explain to our viewing what time on task is?

A If we give a particular task in learning, we can keep this emphasis on that particular item or skill or objective so it is very concentrated.

Q It is frequently alleged that teachers will be teaching to the test.

Are you talking about teaching to the test?

A No, sir. I think if you teach the test you end up with a poor curriculum because all you are doing is teaching the test. And I think that teachers teach to life, and that is the total school curriculum. So it would be very negative productivewise if we just taught to the test.

Q So if I understand you, the teachers instruct directly toward the skill, or in the case of South Carolina, the 16 basic skills, but do not teach toward particular test items?

A That's correct.

Q Is the curriculum content being reduced in the school at Mt. Pleasant Academy?

A On the contrary, we, my total faculty, because they are involved in the process of the testing, we did a lot of individual searching and also group searching about what our curriculum was doing for children, and they found out that our kids have the basic skills. And so once we knew that we could expand it to much higher areas of learning, more problem solving, higher comprehension. We are makiong sure the child has the basis to be able to expand in more mind-broadening types of curriculum.

Q So the criticism that minimum competency testing programs will necessarily reduce curriculum content is, in your situation, not warranted?

A Correct.

Q What has been the impact on parents and citizens of the Basic Skills Assessment Program in your community, or perhaps more particularly, with respect to parents in your school?

A I think it was mentioned earlier by some people -- and I don't remember which side, the Pro or Con Team -- that you need to inform the public of what the test is doing. We made a very nonthreatening situation to our parents. We took time to explain it to them through directives from me and open houses and teachers lots of times explained it to the parents. So it was very positive.

We also involve our parents in the aspects of the testing, not actually administering the test, but as far as helping us to review some data objectives that might be needed on the test.

The South Carolina word list -- I don't know if you are familiar with that or not -- I know you are, but maybe the Con Team is not -- the South Carolina word list is a grade by grade vocabulary which might be used in testing. All the basals that are used in South Carolina have to have these words in it plus 50 percent of the words have to be identifiable by the student in South Carolina. So we made sure our students were aware of these words that might be introduced on the test, and we used parents as tutors. And also to give this information to them to make sure the child is prepared.

Q So you had essentially a vocabulary list, grade by grade, and parents are informed of the nature of that vocabulary list for their youngsters, and they actually help the students?

A Yes, sir, they do.

Q This kind of clarification of what is involved in the expectations of the school would seem to be helpful to parents.

Have you found that that is the case?

A Most definitely because I think they have a great concern, what is going to be happening with my child in the future? What will he do? Will he become a competent and productive citizen in our society? They feel very strongly that basic skills are needed for him to have the chance of being a productive citizen in our society.

Q Mr. Leonard, is it true that the parents now have a more clear understanding of what the school is attempting to promote?

A We have certainly tried to promote that.

Q What as been the reaction of yourself and other principals to minimum competency testing programs in general?

A Of course, I am an elementary principal and I can only really speak for those in my district. It has been very positive because it gives us -- principals are supposed to be the instruction leaders of their school and with declining budgets we are having to become more the instruction leaders. We are very positive because it helps us in our job.

If I can refer to the May issue of Phi Delta Kappa which is an educational fraternity periodical, the gentleman -- I have forgotten his name -- primarily researched with high school principals, and I remember the statistic was something like 70 percent of those people felt very positively toward minimum competency tests in their role as principals.

Q So based on your own familiarity with elementary school principals and some research regarding secondary principals, you conclude that principals, these educators are not necessarily opposed to minimum competency testing, and in some cases are positive?

A Very much so.

Q It is frequently argued that educators will, because these programs were installed by the public, be resistant to the program. The response of teachers and administrators in your experience is not that; rather, they are positive?

A Yes, sir.

Q Would you care to make any concluding observations, Mr. Leonard. You have been running a program that is early in the evolution of minimum competency testing in South Carolina. We would like to get your views on how you think it is running overall.

A If I could preface something here, I have been in education approximately 12 years. During that time I started off as a high school social ed teacher and became a middle school assistant principal and a high school assistant principal, an adult ed coordinator, and now an elementary principal.

The main reason I started moving down the line was I was very concerned as a high school assistant principal and teacher that we were ending up with some products that were not what I call quality, you know, potential people. They were deficient in a lot of skills, and I felt that if I could move down, I might help stop this, because I could see, as Mr. Murray was talking about, some of these kids end up in the street, and they are not productive, and they are destructive to society.

So those are my basic feelings, you know, that we need to start very early where our South Carolina Basic Skills Assessment Program starts.

Q As you have moved down toward the place where it all starts, you found the Basic Skills Assessment Program helps you in that regard?

A Most definitely.

Q I have been teaching at the college level for 20 or 25 years, and I had better start moving down myself. I can see that.

Thank you very much.

A Thank you.

HEARING OFFICER JORDAN: Cross?

CROSS EXAMINATION

BY MR. HANEY:

Q Mr. Leonard, I would like to ask you a couple of questions just to have you elaborate on some of the things you said.

First, you indicated that you worked very hard to make the tests nonthreatening to teachers, parents and students, correct?

A Yes, sir.

Q Would you then agree with previous testimony by Professor Scriven that one of the virtues of minimum competency testing is that it provides a weapon for teachers to use to defend themselves against parents?

A Taken in that context, I can't necessarily agree that it is a weapon. I think it is another device or tool. I think weapon is very negative in its context.

Q Thank you.

May I ask you as an experienced school principal, would you ever determine whether a child should be promoted from one grade to the next strictly on the basis of one test score?

A I don't think that would be good, sound educational policy.

Q Thank you very much.

May I ask you a little bit more about the nature of the assessment used in South Carolina?

What portion of the assessment in your state has now been implemented for more than one year statewide?

A I am glad you asked that question because I felt it needed to be answered.

Dr. Sandifer mentioned about our first grade readiness tests.

Q Actually, I would like to ask you about that specific portion.

Is it a group administered test?

A No, sir.

Q Would you describe it as primarily being a paper and pencil test?

A No, sir, I would not, not for the student

Q Not for the student.

Thank you.

Would you then not agree that in terms of the definition outlined by Chairwoman Jordan, that readiness assessment does not meet the definition of a minimum competency test having the following characteristics: a test taken by students at designated grades that is "a paper and pencil test"?

A I have lost your train of thought.

Q Would you describe the readiness assessment about which there was much testimony earlier as primarily a paper and pencil test?

A I think it would be difficult to give a paper and pencil test to first graders because of several factors. Some have never been instructed in that.

Q So fine, you would say it is or is not a paper and pencil test primarily?

A As I answered earlier, it is not a paper and pencil test for the students.

MR. HANEY: Thank you very much.

HEARING OFFICER JORDAN: Thank you, Mr. Leonard.

Doris Hedgepath, Chairman of the English Department, Conway High School, Conway, South Carolina.

TESTIMONY OF DORIS HEDGEPATH

CHAIRMAN, ENGLISH DEPARTMENT

CONWAY HIGH SCHOOL

CONWAY, SOUTH CAROLINA

DIRECT EXAMINATION

BY DR. POPHAM:

Q Ms. Hedgepath, tell us about your current position, how long have you held it?

A I am Doris Hedgepath from Conway, South Carolina. I am employed by the Horry County School District. I have taught high school English for eleven years. I am presently

Chairman of the Conway High School English Department.

Q How long have you been Chairman of that English Department?

A Three years. I was Co-Chairman a year prior to becoming Chairman for the past three years.

Q What kind of a community is Conway, and what kind of a student population do you have at Conway High?

A Conway is primarily a small town located in an agrarian community. Our population is approximately 15,000. Our student population at Conway High is around 1770. I think that is the figure based on the average daily attendance.

Our ethnic make-up is 65 percent white, 35 percent black. Approximately 65 percent of our students are bussed students, we might refer to them as rural students in that they live outside of the city limits.

Q So Conway is a fairly rural city?

A Yes, it is.

Now, Conway is located in a nice district in terms of added features. Not only are we agrarian, but we are in a very popular tourism area near Myrtle Beach. But we do constitute a large population for a small town within our school because of our enrollment, so we are rather widespread.

Q Thank you.

We would like to focus in your testimony on the impact of the Basic Skills Assessment Program on the curriculum.

What is your feeling about the effect of the South Carolina minimum competency testing program on the curriculum in your school?

A The Basic Skills Assessment Program I feel has had a very positive effect on all curriculum at Conway High School. I might hasten to add at this point that we have some very sighted personnel on our district level who foresaw the nationwide concern for minimum competency. Therefore, during the same time that our Mr. Murray and his legislature friends were devising something to do statewide with MCT, our district personnel, at the same time, were devising a district curriculum for language arts and mathematics because they were that committed to the same concerns of the public and school personnel.

So with that behind me I will go on and add that -- I will repeat the impact has been positive.

Now, some definite results I think that I see within my own school are better lesson plans being written by teachers because of a clearer focus. We know more now what our directions are for a given school term for our students. So with the clearer focus that we feel we have, we are having increased efficiency in classroom instruction.

A nice feature that I might point out is that our language arts competency-based program has been met so positively by the community and the students that even our social studies and science departments are taking a closer look at a more standardized curriculum for themselves.

Q So they are actually in the other subject areas sufficiently impressed with what is going on in these basic skills areas to model after that program?

A Yes.

Q And if I understood you correctly, you were saying that the basic dividend, at least curricularly, is the added clarity associated with the target skills for the program, is that correct?

A Yes, correct.

Q It is often alleged that minimum competency testing programs tend to reduce curriculum to the barest minimums.

Do you feel that is the case at Conway?

A No, it is not the case at Conway because our language arts program of which I am speaking is sort of a dual system in that we deal not only with what you all or I would term basic objectives; we deal also with another system of objectives called or preferred objectives. So we feel that we are offering nothing strictly minimal. We are offering basic, those objectives that we feel we would like all of our students to master upon completion of high school. In addition, for the student who is more motivated, for the student who is strictly college preparatory, if you will, or for our advanced student who we term an honor student, we offer preferred objectives, objectives that are based on a much higher hierarchy of skills.

So we do not -- I almost object personally to the word "minimum" because of that.

Q Go ahead and react personally to the word "minimum."

A Well, we don't want to be minimum. Who does? We don't want our students to be minimum. I think we have to be realistic in that that is the most that some students will ever be. You can't teach school and not know that. But by the same token, you do not want to let the basically capable, standardly capable student and the student who is very capable be sidelined because you have reduced him to some program that is termed only minimal.

Q Isn't it true that the basic skills objectives in the state of South Carolina were fashioned in such a way that they were not --

MS. PULLIN: May I again request that Mr. Popham avoid testifying when he is questioning his witnesses?

HEARING OFFICER JORDAN: I would caution Mr. Popham to confine himself to asking questions to which the witness may be responsive. It is the witness who is testifying, not the questioner.

DR. POPHAM: What if we switch roles?

(General laughter.)

BY DR. POPHAM: (Resuming)

Q Rephrasing the question, Mrs. Hedgepath, rephrasing it dramatically, do you believe that the skills represented in the South Carolina Basic Skills Assessment Program are the lowest order skills?

A No, they are not.

Q For example, the analysis of literature skill in the 16, would that represent a lowest order skill?

A No, it would not. I need to be personal here, if you allow that, in speaking only about Conway High School's program. We are designed within ourselves on a hierarchy of skills by grade level, so there are some objectives that will appear repeatedly, for example, the objective to strengthen vocabulary. You cannot mark mastery by an objective that uses the word "strengthen." So in reference to that, I am speaking of our having objectives that we reinforce continuously from ninth grade through twelfth.

However, there might be another objective that is very skill oriented, for example, the student will use correct punctuation. This is an objective that can be measured. It is highly measurable. However, we still reinforce it. Then we get on down to more advanced objectives. One of those might be the student will analyze and apply socially certain features in literature. We are dealing with appreciations here. Again, this is an objective which might be difficult to measure. However, we don't leave it out of our curriculum because it isn't as easy to measure. We feel that it is important.

Q So the existence of well-defined competencies in the South Carolina Basic Skills Assessment Program has not precluded you or your colleagues from teaching other things?

A Heavens, no.

Q I had not anticipated "heavens."

Have you any evidence as a seasoned veteran of eleven years of teaching, evidence about how your colleagues, how high school teachers feel about the Basic Skills Assessment Programs?

A I will have to be perfectly honest. At this point, and at the same point five years ago, if someone walked up to me and said, Mrs. Hedgepath, we are going to implement something new in our Horry County School District program in language arts, I would have said, oh, no, not another clerical task. There was some of that reaction initially. However, I am talking about a time before the state movement began.

So in our area or our district, we had time, I think, to digest a change and approach a change that we felt was coming nationwide as well as in the state.

So my hat is off to those personnel within my district who could foresee what was happening.

So initially I think my reaction was a very human one in that most English teachers are so really burdened with paper grading and things of that nature, clerical tasks, that I think your initial reaction to any change is, well, now, wait a minute, I cannot take on another thing. But it is not that kind of situation as it has turned out to be.

I mentioned earlier that one of the positive effects was more efficient use of class time and instruction. I feel that with this clear focusing I referred to earlier, that we are not wasting as much class time on items that perhaps we taught simply because we liked to teach them or felt comfortable with them. Now with this clear focus of a more standardized curriculum, I feel that we are making more efficient use of our class time, we are able to gear our teaching a little more efficiently for the individual's needs rather than the whole group's needs, and I think that is really where education is. And I don't think you can really argue that point.

Q I certainly wouldn't want to.

The opposite side of the clarity plus, and you have described that, is that teachers will feel constrained by having this very clarity.

Do you believe that the creativity of your teacher colleagues at Conway is being stifled by this?

A No, I don't because we are allowed complete academic freedom within our classrooms. I guess the best way to explain that is that you and I might be teaching the same objective. Perhaps you and I teach eleventh grade English, and we have our designed set of objectives that we like to expose our students to or reinforce or whatever. You and I might be working philosophically on the same ideas, but our methodologies may be totally different because you have your distinct personality and I have mine.

So the case really resides in the fact that two teachers are teaching the same objective but are allowed the freedom to use their own personalities, their own approaches.

Q For example, I would rarely say "you all" and "heavens."

In conclusion, Mrs. Hedgepath, would you please summarize in your view the impact of the South Carolina Basic Skills Assessment Program on curriculum and teaching?

A At this point I think the impact has been a positive one for all of the things I have said earlier. I do hope I am still teaching ten years from now when that little first grader whose readiness we have been talking about comes to me in eleventh or twelfth grade English so that we can have another hearing and I can tell you how he is performing at that point.

Q I hope you are teaching in ten years, too.

Thank you.

A Thank you.

HEARING OFFICER JORDAN: Cross?

CROSS EXAMINATION

BY MR. HANEY:

Q Mrs. Hedgepath, I would like to ask you a couple of questions to clarify some of the things that you said. I believe you started by recounting how personnel in the Conway School District began developing a new and improved curriculum about the time that basic skills legislation was being considered in the state legislature, is that correct?

A That's correct.

Q That would have been about 1977?

A Actually a little earlier than that.

Q So even before the basic skills legislation was passed in South Carolina, is that correct?

A That is correct. Our personnel began developing a language arts program and continue to revise that program for the next several years. So by the time the state department or the state's program was completed, ours was very well coordinated with it.

Q Fine.

Can I ask you, has any statewide basic skills assessment developed under the new program been administered statewide in a state so far?

A Yes. This spring, in fact, this past spring, 117 students at Conway High School were randomly selected to be field tested for the eleventh grade test.

Q That was field testing. It was not regular administration?

A Well, only in that phase in the eleventh grade. I can only speak from ninth to twelfth.

Q Right.

So you started developing this new curriculum more than four years before implementation of a statewide test at the high school level, is that correct?

A Correct.

MR. HANEY: Thank you very much.

HEARING OFFICER JORDAN: Thank you, Mrs. Hedgepath.

The next witness, Anna Long, a parent from Batesburg, South Carolina.

TESTIMONY OF ANNA LONG, PARENT

BATESBURG, SOUTH CAROLINA

DIRECT EXAMINATION

BY DR. POPHAM:

Q Mrs. Long, what city do you live in? What is your experience with South Carolina's Basic Skills Assessment Program?

A I am from Batesburg, and I am a parent of a repeating first grader.

Q A repeating first grader?

A Yes.

Q Is this continually repeating?

A No. What I mean by that is that Shannon was held back last year because he was not keeping up with the first grade. He could have been passed to second, but he was held back with our permission so that he could not repeat actually first grade but learn from where he left off the year before so that he could enter second grade is what I am trying to say.

Q So Shannon was kept back at the end of first grade?

A Right.

Q And how do you feel that the Basic Skills Assessment Program has influenced your son's learning, if at all?

A Okay, when he entered first grade he was given a readiness test. He was borderline on that test, so the teacher knew to watch Shannon to see if he was having any problems with his school work. Almost immediately the notes started coming home, please help Shannon with his letters, please help Shannon with his numbers. It was -- the school year started the last of August, and the first of October the principal called me and asked me to come to his office. Shannon was not keeping up with his class. They had kept an eye on him constantly to make sure that he was able to keep up, which he wasn't. They told me we should hire a tutor for Shannon, which we did, in hopes that he could catch up with the other children in his class. He was not able to, so they moved him back into a class level where he could learn with other children on his own level.

After he was moved back, he was put into a Title I program which also helped him with his math and his reading, which he was having a lot of difficulty with. At the end of the year he had learned a lot more than he would have if he had been just left in the class that he was originally in. So he could have moved up into second grade. But the principal of the school thought it would be in his best interest to keep him in first so that he could not repeat what he had learned, but to take up where he had left off and learn all of the first grade things so he could move up.

Q How did the objectives or the clarity of expectations in the basic skills program impact on Shannon's progress the second time around?

A Before, he was failing miserably, and he was going to school crying every day. This last year he has come home with Bs and Cs, and he even had an A in math, which was his worst subject. The teacher knew where to work with Shannon because of the basic skills program, and helped him immensely with his basic skills.

Actually he was having the problem to begin with that, his basic skills.

Q Are you saying that the previous time around, without this clarity regarding basic skills foci, that Shannon's work was not as effective as it was the second time around with the emphasis on the basic skills?

A No, he had the basic skills then but he was so far behind by the time that we moved him back, which was only two months, that he could not catch up. He was learning at a slower pace than the class he was originally placed in. And that is why they kept an eye on him because he was borderline on the readiness test.

Q With this program now in effect, what has been the effect on Shannon regarding his attitudes toward himself and toward school?

A Last year he cried every morning, and it is hard to send a child to school who is unhappy. This past year he has looked forward to school. Even when he was sick he still wanted to go. He has enjoyed it that much more.

Q Have you gotten a lot of happiness from sending him off?

A Oh, yes. It is much easier to send a happy child to school than one who is disillusioned.

Q So minimum competency testing will make all parents happy, is that what you are saying?

A No, I'm not saying that.

MS. PULLIN: I could object.

BY DR. POPHAM: (Resuming)

Q Okay. Is the program having any effect on you?

A Yes. I know that Shannon is getting the education that he needs. The principal and teachers are taking interest in the children. They are able to tell the parent what they are or are not doing. So therefore you are not disappointed at the end of the school year when your child doesn't pass. You know the entire year what he is doing in school, and it is easier to help your child when you know what is going on.

Q So you understand more clearly what is transpiring?

A Yes.

Q So what is your general perception and conclusin about the impact of the South Carolina minimum competency testing program?

A I think it is a godsend, I really do, especially for children like my Shannon.

DR. POPHAM: Thank you very much.

HEARING OFFICER JORDAN: Cross examine.

CROSS EXAMINATION

BY MR. HANEY:

Q Mrs. Long, you said that you think the program is a godsend.

A I do, yes.

Q You talk mostly about the objectives and the focus of the program rather than about the test, the readiness test.

Do you think that the focus on objectives is more important, or is the test more important?

A I think the test is important in that a teacher can recognize that a child is going to have problems during the school year and therefore she can fix it where she can help the child better. I can't phrase that the way I wanted to.

Q No, you are doing fine.

The only thing I wanted to ask you is that you mentioned that your child, Shannon, was held back only after the teacher had sent many notes home to you and you had given your permission.

A Yes. He was given every opportunity to stay in the classroom he was in.

Q How would you feel as a parent if your child was to be held back without consulting you as the parent of the child? Do you think that would be good?

A No. I think the teacher should take it up with the parent so they will know what to expect.

MR. HANEY: Fine. Thank you very much.

HEARING OFFICER JORDAN: Thank you very much.

Our next witness, Marie Reed, a parent from Leesville, South Carolina.

MARIE REED, PARENT

LEESVILLE, SOUTH CAROLINA

DIRECT EXAMINATION

BY DR. POPHAM:

Q Mrs. Reed, where do you live and what has been your association with the South Carolina Basic Skills Assessment Program?

A I live in Leesville, South Carolina. It is a small community west of Columbia, and I have been a teacher aide at the school where my children attend, which is Utopia Elementary School, and I help the children who don't pass; who are not passed; who need help, after they take the readiness test -- the ones that need special attention. I work with those children.

Q At what grade level?

A In first grade, first graders.

Q This is the first formal instance of a witness ever teaching in Utopia.

MS. PULLIN: I would like to object to Mr. Popham's comments about his witnesses.

HEARING OFFICER JORDAN: Mr. Popham, you know that those irrelevant, gratuitous comments are not helpful.

DR. POPHAM: Thank you, Professor Jordan.

BY DR. POPHAM: (Resuming)

Q As teacher aide, Mrs. Reed, how has the Basic Skills Assessment Program influenced you?

A Okay, I have been teacher aiding for three years, and when I first started with the teacher aide program we didn't have any planned skills, we didn't have anything to really go by assessmentwise in order to help these children, and this year was the first year where we implemented a program where we had plans, we taught the children exactly what they needed, we worked with that until they were ready for the next skill, and we just individually worked at their own pace until we brought them up to where they needed to be, where they were comfortable in the classroom and doing well.

Q So as a techer aide, the clarity with which the skills were defined was beneficial?

A Right, very much so.

Q Have you any reason to believe that students at Utopia are doing better as a consequence of the Basic Skills Assessment Program?

A The first grade students, very definitely. I can tell a big improvement, working with them, helping them to learn their assessments. They are becoming much more positive about themselves. They look forward to us working with them in the program. They are much more comfortable in the classroom than they were, and I just feel real positive.

Q Does not passing the readiness test have a negative effect on students' attitudes?

A I don't believe so. They don't see it as not passing. We just explain to them that they need help here. We don't use it on a pass-fail basis. It is just that, you know, you need a little extra help here, and we would like to work with you and help you in this area. So they really don't see it as a pass or a fail type situation.

Q So the students do not feel themselves irreparably labeled as incompetent?

A No, no.

Q Do youngsters transferring -- do youngsters transfer the learning that they acquire as a consequence of these basic skills to other areas as well?

A Yes, they function much better in the classroom. After we have worked with these chidren for a while, they are much more comfortable in the classroom. They also go home -- we have them sometimes share home experiences with us, so they go home and teach, like, their younger brothers and sisters, some of them even their parents. They explain things to their parents and bring it in that way.

MS. PULLIN: The witness's statement is hearsay and should not be admitted unless she can justify it with some specific examples relative to the home experience.

THE WITNESS: Well, the children share these with us, like one child came -- I was working with blocks with this little child, and they came back and showed me, they told me how they had taken a shoelace and took some of their mother's spools and put different size spools on which was comparable to what we were doing together when I was working with the child.

BY DR. POPHAM: (Resuming)

Q You didn't accuse this child of hearsay testimony, did you?

HEARING OFFICER JORDAN: Strike that.

BY DR. POPHAM: (Resuming)

Q Has your effectiveness as a teacher aide actually been improved as a consequence of the Basic Skills Assessment Program?

A Very much so.

Q And that is mostly because of the clarity you talked about earlier?

A Yes, and having specific skills to work with these children, and of course, more equipment, too, because we just didn't have -- like we have puzzles now, and just lots of different equipment that we can help these children to learn their skills with.

Q Could you switch roles for a second and talk about your feeling as a mother regarding the Basic Skills Assessment Program? How has this impacted on your own children?

A Very positively. They bring home worksheets. There is a reading worksheet that they bring home. They bring home math worksheets. They have brought home reading lists, some of the reading that they are to do and some we are to do together, and some we are to read for them or to them, for my little third grader, and we have really enjoyed these things. They have a school calendar that they bring home, and each day they do different things for the month. These are monthly calendars, and we have really enjoyed working with them, and the children, it has really motivated them to do things on their own.

Q So as a parent if I understand, you understand more clearly --

A Oh definitely, yes. And in the meetings that we have, they explain what is happening in the classrooms and, you know, different areas that they are working with the children. The teachers explain these to us, and it has just been -- I really do understand what is going on.

Q You have a third grader?

A Yes. And a fifth grader also.

Q Third and fifth graders, so in both of those cases you would know which basic skills are being pursued in the classroom?

A Yes, that's right.

Q Then overall, reacting both as a teacher aide and a parent, what is your estimate of the South Carolina Basic Skills Assessment Program?

A I see it as very positive, implementation of learning, very positive. I feel real good about it. This is the first year I have really worked very closely with it, and I am looking very forward to seeing in future years how it is going.

DR. POPHAM: Thank you.

HEARING OFFICER JORDAN: Cross?

CROSS EXAMINATION

BY MR. HANEY:

Q I would simply like to ask you a little bit more about the readiness assessment which is part of the Basic Skills Assessment Program.

In the readiness assessment, how much time does each teacher spend assessing each child individually?

A This is at the beginning of the year?

Q At the beginning of first grade.

A Okay, it is about 30 to 45 minutes that they spend individually with the child.

Q One child at a time?

A Yes.

Q Would you describe the readiness assessment as being a group administered paper and pencil test?

A No.

Q It is, in other words, in your opinion, not a traditional paper and pencil test.

A No.

MR. HANEY: Thank you very much.

HEARING OFFICER JORDAN: Thank you very much.

The next witness, Fannie King, Assistant Principal for Instruction, Fergusson High School, Newport News, Virginia.

DR. POPHAM: We are turning our attention now to the State of Virginia, having concluded our consideration of the South Carolina witnesses.

HEARING OFFICER JORDAN: All right.

TESTIMONY OF FANNIE KING
ASSISTANT PRINCIPAL FOR INSTRUCTION
FERGUSSON HIGH SCHOOL
NEWPORT NEWS, VIRGINIA
DIRECT EXAMINATION

BY DR. POPHAM:

Q Mrs. King, what is your current position?

A Assistant Principal at Fergusson High School in

Newport News, Virginia.

Q Fergusson High School in Newport News.

And what are your main responsibilities with respect to the Virginia Graduation Competency Program?

A One of my main responsibilities with respect to the competency testing is that I am the test coordinator. I supervise the planning, administering and maintenance of the students' records.

Q Tell us a little bit, if you will, about Fergusson High School. What kind of a school is it?

A I would consider Fergusson an urban school. We had a student population of approximately 1400 last year. Next year we are expecting 1900. Our population is approximately fifty-fifty black and white. We also have other minorities in our school. Our socio-economic range is from the very wealthy to the very poor, and education takes the same range.

Q You are our first witness from the state of Virginia. Could you tell us briefly something about the nature of the Virginia minimum competency testing program?

A I believe in 1978 the Virginia General Assembly mandated that students graduating from high school, beginning in 1981 and thereafter would have to pass minimum competencies, not necessarily pass a test but certify that they had certain competencies by the time they graduated, and those areas included reading, math, citizenship, further education or employment.

The state provides the test for the math and reading and the localities were left to devise their own means of certifying for citizenship and for further education or employment.

Q So in a sense it is a blend. There is a statewide test?

A Right.

Q For math and reading, and then local districts --

A Devise their own methods. Each local district was free to devise their own methods for testing in the last two competencies.

Q Is there a high school diploma hinging on the passage of the test?

A Yes. Students must pass the four competencies in order to receive a diploma. If they have earned their 18 credits without passing the four competencies, they can receive a certificate.

Q But they not only have to pass the test, they also have to complete the credits?

A Oh, yes, they have to have the regular credits.

Q The credits and the grades and other things as well?

A Yes.

Q What are your perceptions regaring the effects the program has had on students, Ms. King?

A I think it has had some positive effects on all students. Most people would probably think that it isn't necessary or it is a waste of time for the average and above student, but I was pleasantly surprised when some of our better students told me, well, gee, I am surprised I missed that question. But when they got to talking about it, they realized they had not had experience in that particular area. For example, one of our better students had never had to fill out an income tax form, so even though he was a good student and could read, he missed that question because he had not had the exposure or the experience.

On the other hand, I feel that the testing program is basically very sound for the minimum student or the one that is below average because it pinpoints his needs, and therefore he can receive the help that he needs.

Q What are the usual kinds of responses from students who pass the examination the first time they take it?

A Well, the majority of them that pass it the first time, they say gee, the test was easy, and it was for them. Others, who probably struggled and barely passed it are elated, happy and just excited about it.

Q What about the other students, the students who don't pass the first time?

A Well, naturally they are disappointed. They're hurt. They become concerned, and I have found -- I am particularly proud of several students I can think of that failed the test not once but two or three times, and those students I really got attached to because I kept trying to encourage them, and they really worked hard. They sought out help. Their parents sought help. We arranged tutors for them, and every time they would take the test, they couldn't wait for the results to come back. Did I pass, did I pass? And they were really working hard. They enrolled in classes they probably would not have taken before because they weren't required, but they knew they wanted to learn so they could pass the test. And they did it very willingly.

Q Was it helpful knowing what the nature of the expectations were in those tests?

A I certainly think it was helpful to the parents, the child, the teacher and everybody concerned because how can you help someone if you don't know what they need? I mean, you know, if you go to the doctor and he gives you a pill and he doesn't know what it is for, it could kill you, but if he knows what is wrong and prescribes the right medication, you might get well.

Q Or he could kill you less often.

MS. PULLIN: Again I have to object.

BY DR. POPHAM: (Resuming)

Q What has been the effect on teachers at Fergusson High School? Has the Virginia Graduation Competency Program made them feel more positive about what they are doing, or less positive?

Would you react to how the teachers are responding to this program?

A Well, I think, as has been said before, some teachers who perhaps are involved in the administration of the tests are initially frustrated. Here is one more set of papers I have to fool with, or I am interrupted from teaching whatever it is in order to give the test. But I really believe that the teachers, now that they have the information in hand as to the specific skills that the students have acquired or have not acquired can zero in on what the students need.

I was really happy at the end of school this year. One of the teachers came in and just voluntarily said gee, this has been a great year. I am so pleased with the progress my students have made. And I said, what do you mean? She says, well, at the very begining of minimum competency, I really didn't take it too seriously and I really didn't work too hard on trying to teach to these specific objectives. But this year I thought I would. And she said she tried it and she was so pleased with the results that her students had made.

And I think the teachers are now aware that it is worthwhile and they are trying to really abide by it.

Q Thank you.

Do you feel that the effect of the program has been to reduce the skills covered in the curriculum? Has there been curricular reductionism?

A No, I don't believe that the curriculum has been reduced. If anything, I think it has increased.

For example, because of the identification of the needs of certain students, we have instituted a special class in basic reading which does not replace the required English classes that they still must take.

On the other extreme, for the better students we have instituted classes in advanced reading and study skills because they have been more aware of how important it is to read.

Because of the fourth competency for further education or employment, we currently have many more students enrolling in our occupational program than we had before.

I think it has created within the students a really clear understanding that I am not going to be in school forever. Momma and Daddy are not going to be feeding me forever. I have to get ready for life, to take care of myself. And they are taking the courses that will prepare them.

Q So the increased clarity of the curriculum has yielded that kind of effect?

A I think so.

Q Do teachers provide more time on task, that is, direct instruction for pupils now that those competencies are clarified?

A Yes, and I would like to -- I think somewhere along the line somebody has the idea that more time on task means a waste of time, repeating basic concepts, and I would like to clarify that. I don't feel that that is the case. I feel that because the teachers and the students and the parents all get a printout of the specific skills that a child needs help in, the teacher can group the students and work with the group that needs the help on this skill, they can work individually with the students, and they are not sitting there wasting time doing something just because the whole class is supposed to do it. Therefore, I think each person is getting more time on the task that he needs.

Q So your contention is that the Virginia minimum competency test does provide diagnostic information?

A It definitely does.

Q Information that the teachers do not already have?

A Yes, because they used to have the national standardized test, but they were not specific skills. These are very specific.

Q In conclusion, do you have any overall appraisal of the minimum competency testing program in Virginia?

A I think it is a very good thing. I think that it makes students, parents and teachers aware of fundamental things that everybody needs to know. I think it makes it perfectly clear to students that they have a responsibility to learn some of these things themselves. It gives them more incentive.

DR. POPHAM: Thank you very much.

CROSS EXAMINATION

BY MR. GOLDMAN:

Q Is it true that Newport News has other diagnostic testing programs?

A Yes.

Q And is it also true that the district has its own criterion reference testing program developed by teachers in the elementary grades to identify at an early point areas in which students need remediation?

A Yes.

Q So that kind of early identification is going on with tests developed by teachers in the lower grades?

A Yes.

Q I have interviewed a random group of teachers from your district, and is it true that the district's teaching staff views the minimum competency testing program we are referring to as duplication, that they don't need it?

A I don't understand your question.

Q My question is, the teachers in your district, do they view the MCT we are referring to as a duplication of effort that has already taken place within the district?

A I don't think so because I would feel, for example, the criterion referenced tests you are referring to, as I understand it, are given in the fall at whatever grade levels, and they are given, the results are given back to the classroom teacher so that she has specific information about each child.

Well, that is fine, but that is enabling the teacher to get the child to the point where he can pass the state minimum competencies. In other words, we are starting at the bottom of the ladder and coming up where I think it is helpful, not necessarily an unuseful duplication.

Q But you are saying that the CRT, the criterion referenced test that is administered is helpful to the teachers prior to the state test?

A Certainly.

Q So the state test is a duplication?

A I don't know that it is a duplication because we have CRT tests at varioug grade levels whereas the state test is not designed to be given on all grade levels.

Q And the CRTs are given at the early point in the elementary grades.

Is it true that the teachers view this effort as a way to evaluate them?

A I would hope not. I don't think that they do. I would hope that they view it as we do, a way to evaluate the accomplishments of the child.

Q Do you feel that the teachers are teaching to the test?

A What do you mean by teaching to the test?

You mean teaching to the objectives or teaching to the answers?

Q Let me give you an example.

For instance, is it true that students experiencing difficulties in reading the test are read the test by teachers?

A Not that I know of. You mean while they are taking the test?

Q Correct.

A I am not aware of that.

Q That is contrary to the interviews I have had with teachers from your district, and of course, we do stand the risk of the inflection in the voice of the teacher giving some hint as to what the correct answer might be.

Is it true that students assigned --

HEARING OFFICER JORDAN: Do you have an objection?

MR. ALLEYNE: That is not a question. That is a statement from the interrogator.

HEARING OFFICER JORDAN: We would caution you, Mr. Goldman, to ask questions of the witness and let the witness respond, and refrain from testifying.

DR. POPHAM: Professor Jordan, I would ask also, was this information based on a report that was shared with the other team according to our ground rules? We did not know of the survey.

HEARING OFFICER JORDAN: Dr. Popham raises the question as to whether this survey that you talk about having in your possession, Mr. Goldman, was something that was shared with the other team. They do not recall having received it. I did not receive it.

Is it information which was shared?

MR. GOLDMAN: It is information that was gathered through informal interviews of a random group of teachers within the last week.

HEARING OFFICER JORDAN: But not shared with the other team.

That will be disallowed.

BY MR. GOLDMAN: (Resuming)

Q One last question. You referred to the fact that the high school graduation test included an item on filling out an income tax return.

Do you feel that people who cannot fill out income tax returns should be denied high school diplomas?

A If that is the only thing that they cannot do, I would say no.

MR. GOLDMAN: Thank you.

HEARING OFFICER JORDAN: Thank you very much.

Ms. King, thank you. You may be excused.

The next witness, Laurie Collier, Supervisor of Business Education, Newport News.

TESTIMONY OF LAURIE COLLIER,
SUPERVISOR FOR BUSINESS EDUCATION
NEWPORT NEWS, VIRGINIA

BY DR. POPHAM:

Q What is your position, Mrs. Collier?

A I have about three. I am a parent of a rising junior at Fergusson High School. I serve on the Fergusson High School Parent Advisory Committee. And I am Business Education Supervisor for the City of Newport News.

Q Starting on the last of those three lives, first, how long have you held the position of City Supervisor for Business Education?

A I have just completed my fourth year.

Q What did you do before you became City Supervisor?

A Twenty years as a teacher, I guess, and coordinator where I placed students in part time jobs in the field of business ed.

Q What are your current responsibilities as a City Supervisor?

A I am responsible for the instructional program, for maintaining the equipment, for purchase of new equipment, for updating curriculum, anything that has to do with the instruction in business education falls in my area.

Q Let's leave your role as City Supervisor for a moment and turn to your role as a parent.

You have a daughter who is in the program?

A Yes.

Q And speaking as a parent of a daughter who has been affected by the minimum competency testing program in Newport News, what is your feeling about the attitudes of students with respect to their own skills?

A My daughter has just taken it, just got her results mailed with her report card at the end of the year, and the students, I have a lot of students who matriculate through my house by virtue of having a teenager and by virtue of being a parent who carries them to swimming parties and baseball games, etc. Their attitude is very positive.

I think they have been indoctrinated long enough that the students that I work with or that I come in contact with accept that this test is necessary, and they do not question it, and I know some who have had trouble passing it, and you know, they say, golly, I have got to get with this. And they are willing to remediate because I think the test results are pointed out to them as, hey, this is an area you need to work on. You need to function, to be able to function in society.

Q So as a parent you are satisfied that students are responding positively.

A Yes.

Q Drawing on your experience as a business education supervisor, what is your reaction to students and how they are responding to the program in that realm?

A Well, let me see, we are seeing a better student. It is easy for me to answer that, if possible, from the standpoint of the teachers.

Q Please do.

A We have spent a lot of time in remediation. Teachers would say, you know, I spend so much time teaching the math and communication skills necessary to function in a business office that I really don't have time to teach the typing, the shorthand, the human relations. And in the last three years there has not been so much of this. Students are better prepared, and we are able to deal with more of the nice-to-knows, and as a result, our employers are saying they are hiring our students. We did see a decline in the number of students. We were having trouble placing students on jobs, and I was hearing, even as a coordinator when I was a coordinator, well, what are you doing? These kids are not the same kids they used to be. And now we are having less difficulty placing students, and the students are functioning much better.

Q If I understand you, then, you are suggesting that the existence of the minimum competency testing program in Virginia has allowed for more focused instruction on those skills, thereby creating more time for pursuit of the nice-to-know skills, is that it?

A Yes. But I cant' say -- I think the minimum competency test in Newport News has been our end result, because as I pointed out a while ago we had been engaged in a CRT testing program. So the minimum competency is kind of the culminating activity.

Q Has this in any way stifled your local efforts in Newport News?

A Oh, no. Most of the teachers I have worked with -- and I do have some responsibilities K through 12 -- do not mind it. I mean, the CRT tests get to be a burden, but it is kind of nice to be able to immediately know what is wrong with a child, to have resources at hand to take care of different learning styles.

So I think the whole intent from K through 12, we have a curriculum now that we like to think from K through 12, that a student, his weaknesses are diagnosed and we remediate.

Q What has been the effect of the program on teachers, their attitudes toward the program?

A Well, I think in business education the teachers are more positive. I am hearing teachers, as I serve on the advisory committee and as I mingle with teachers at the secondary level, you don't hear so much of, well, they should have taught them in elementary school. So I think that is a very positive thing. I think that teachers feel they are on target, they know what is to be taught, and I know that as a parent, when I put my child in school, I expect certain things.

So as a parent and as an educator, I feel confident that my child is receiving this.

Q Some people feel that actually the skills of the youngster will be diminished as a consequence of minimum competency testing. As I understood your comments, you feel that those students are now better able to take jobs and fill them effectively.

As a specialist in business education, I suppose you come into contact with a fair number of employers.

Can you respond to the reactions of the business community regarding this program?

A I work with many employers. We have about 300 students who work on part time jobs in just business education. I have employers throughout the city who are constantly calling me, and I might say that the number of calls is increasing dramatically that want to hire part time students. We have an employer-employee banquet every year, so I am constantly mingling with employers who also serve on our advisory committees, and they are much more positive. They feel that students are once again prepared for the jobs, and they are more anxious to hire them.

Q In conclusion, in coalescing your three roles, and in looking at the entire program from all three perspectives, could you comment on its worth?

A I am very pleased both as a parent and as an educator. I do agree that perhaps the minimum competency tests came about because of public pressure, but I as an educator don't mind being accountable. I as a parent expect accountability. I am pleased with education. I am pleased with the fact that -- I perhaps have stars in my eyes, but I think we are back on task and we are dedicated to providing students with a certain body of knowledge that they are entitled to to function in society, and yet, because of the efficiency that is resulting, we are also providing more time for the nice-to-knows, as we call them in business ed.

DR. POPHAM: Thank you very much.

CROSS EXAMINATION

BY MR. GOLDMAN:

Q Mrs. Collier, is it true -- is the program that we are talking about tied to a high school diploma?

A Yes.

May I add something? It is my understanding that we deny the diploma to those who do not pass, but they can come back if they did not pass any one of the competencies and take it and receive their diploma if they met the other requirements.

Q Can a student be denied a diploma solely on the basis of the test?

A Yes, if he does not meet one of the four competencies.

Q What is the passing score in Virginia on the test?

A In Virginia? They just gave it to tenth graders, and we just got those results back, and I left my notes, but I think it was 95 percent.

I can tell you, I can speak for the Peninsula --

Q The point I am trying to get to is in your view can test scores distinguish between students who deserve a diploma and those who do not? In other words, is it fair to say that a student with a score of 51 has a legitimate diploma, or one who has a score of 50 would have a counterfeit diploma? In other words, do you feel that that is a reliable approach?

A Well, I know what you are saying. Maybe I am going off track, but let me respond this way. We feel that this particular test, since 1978, in Newport News, we find that the students who were having trouble -- and we are using it as a diagnostic instrument, too, and we find that the students who are having trouble are the students who are in academic trouble anyway, and that many times the attendance was the problem. So we are tightening that.

I think that with marginal students, there are some cons.

Q Were you surprised at -- you mentioned that very few students flunked the test in your school. Were you surprised that so few flunked the test?

A No, because we gave -- the test is administered in the tenth grade. Our test scores have improved dramatically on our SRAs, so I am always very positive, but the test is field tested in the tenth grade and then we set out to remediate.

Q Would it surprise you, Mrs. Collier, if your teachers feel they are being forced to teach the test because they may be evaluated by the results?

Would that surprise you?

A Yes, it would, but I think that perhaps in any educational system you can find teachers who would say that. But I think you can find just as many who do not feel that way, and probably more.

MR. GOLDMAN: Thank you.

HEARING OFFICER JORDAN: Thank you.

And thank you very much, Mrs. Collier.

The next witness, Helen Stiff, Assistant Principal, Prince Edward County High School, Farmville, Virginia.

TESTIMONY OF HELEN STIFF
ASSISTANT PRINCIPAL
PRINCE EDWARD COUNTY HIGH SCHOOL
FARMVILLE, VIRGINIA

DIRECT EXAMINATION

BY DR. POPHAM:

Q Mrs. Stiff, what is your position and how long have you held that position?

A I have recently been named an elementary principal in a neighboring county, but for four years just prior to this date I was an assistant principal at Prince Edward County High School. I have been, or I was in Prince Edward for eight years in total.

Q Congratulations on the new promotion.

Will you please give a description of Prince

Edward County High School?

A Prince Edward County Public High School has approximately 800 students. They are about 75 percent black, about 25 percent white. The students, a good number of the students come from low income families. We have two colleges in the community, Longwood College and Hampton Sydney College. The community is very rural. There is the small town of Farmville. Many of the students' parents are involved in agricultural types of employment, and a few are involved in light industry, and of course, we have some parents who send their children to the schools who are from the colleges.

Q Thank you.

What has been the overall impact of the Virginia Graduation Competency Testing Program in Prince Edward County School?

A The overall impact of minimum competency testing in Prince Edward County has been very positive. We have found that the minimum competency testing program has helped us to identify weak students and to provide remediation for them, and we feel like we are graduating a better group of students now as compared to several years ago.

Q What has been the effect of the program on student attitudes? Can you tell me anything about that?

A I think it has served to increase self-esteem among many of our students. You will find that the students are elated when they find that they passed the competency tests. You will find that many of them are more concerned about their education, and in prior years there was less concern, in my opinion, about education and what they were doing in school.

Let me mention Prince Edward County as the system -- it is historically signficant in that Prince Edward County closed its schools -- and I think this factor, it closed its schools several years ago. There was no public education in Prince Edward County, and I think this was a factor that retarded education in Prince Edward County, and I think that in the last several years we have been working to improve public education in Prince Edward County.

Q My curiosity has peaked. Why were the schools closed?

A This was in an effort to avoid integration. This was 1959, and for several years the schools were closed, and they opened in 1964, I believe.

Q So you are saying that the students are more concerned, that is, more serious about their education?

A Yes, far more serious.

Q Do you have any evidence regarding how student performance has been affected?

A Yes. I have some statistics that reveal the progress of our students in regard to completion of minimum competency testing. In 1978 we had 78 percent who passed the reading test and 52 percent who passed the mathematics test. Overall, this reflects 50 percent having passed both tests on the first administration.

Let's go up to 1981. You have 92 percent of the students who passed the reading test on first administration, and in mathematics, in 1981 you have 97 percent who passed the mathematics test on first administration. This is a 91 percent of our tenth grade, new tenth graders who took the test on first administration and passed both parts of the test.

What this indicates to us is this says that we are not overlooking our weaker students. We are going back, we are directing instruction for them. We are providing them with remediation. We are getting them more prepared early, and they are now able to pass this test on first administration.

Let me go on to say that once we have found that our students can now do this kind of thing, we can teach them far more by taking them further.

Q How would you react to the accusation that students are just able to do well on the tests, and that real skills are not being reflected by these impressive statistics?

A As I had previously started to comment, we try to make sure early in the game that our students can do these kinds of things, that is to say, spend only a few days going over the competencies, and these competencies are part of public information. So anyone can study the competencies and be prepared with the competencies.

So after we have found that our students are prepared with the competencies, we go further and teach them all the other kinds of things.

As Mrs. King had indicated in her testimony, the State of Virginia requires 18 credits. So once our students have completed this competency requirement, they go on to study other things.

Q What has been the reaction of the teachers to the competency testing program in your school?

A It has been an indicator to the teachers that their instruction has been more directed. They feel like they are getting something specific done. They feel that instruction has improved in Prince Edward County.

Q Are the teachers overstressing the basics?

A Absolutely not. When we get a group of students, for example, at the tenth grade level, we might have a few teachers in the reading and mathematics area who might refresh our students with the competencies. Generally speaking -- let me digress a little bit. We use a locally constructed diagnostic instrument around the eighth and ninth grades to find out where our students are. If we find that they are weak, we go back and work with these students. Then we go on. So when we get to the tenth grade, it is only a matter of spending a little time refreshing students, and then we go on with our regular requirements and instruction.

Q Ms. Stiff, what has been the reaction of the community in your community to this program?

A The reaction has been very positive. The minimum competency tests have served to indicate to the public in Prince Edward County -- and it is a sensitive public -- that the quality of education in Prince Edward County Public Schools is high. It indicates that the students can do certain things. We are not just producing students who don't have some minimum standards or minimum proficiency.

Q In looking at the whole program from your vantage point, could you comment overall on the impact, positive or negative, of the competency program in your state?

A There have been many articles done in the media, produced by the media, the Farmville Herald, for one, and the Richmond Times-Dispatch, which are papers circulated in the state, that indicate that the competency program is significant for the State of Virginia. I think that the public is interested in looking at what the competency results reveal, and they do feel assured that students who are graduating from high school are better than they were several years ago.

DR. POPHAM: Thank you very much.

HEARING OFFICER JORDAN: Cross?

CROSS EXAMINATION

BY MR. GOLDMAN:

Q Ms. Stiff, how many questions do you have to get correct in Virginia to pass the test?

A The cutoff score is 70.

Q The cutoff score is 70.

A 70 percent.

Q In your experience, how many students, what is the experience in your school of pupils falling one point below or one point above?

A We had on first administration of the test, we had several students who were 69, 68, 67, etc. There are only like 150 in this tenth grade class, approximately 150. So we have about ten or more people who might fall in that line. We feel very pleased that these students are that strong, and what we do then, we go back and we start to diagnose, find out what kinds of skills these students are not prepared with. We work with them on these competency skills, and we find that they perform well on the second administration of the test. And the students are pleased to know what their weaknesses are, too.

Q After having failed the test the first time?

A Yes. They are pleased.

I think our students feel -- I think they are pleased to know when they are weak. They want to do better. They want to know what is wrong, and they want help.

Q How do they feel if they fall one point below passing?

A I think it might be a matter of slight disappointment that I didn't make that one point, like any of us would feel if we missed it by one point.

MR. GOLDMAN: Thank you very much.

HEARING OFFICER JORDAN: Thank you very much, Ms. Stiff.

Your final witness?

DR. POPHAM: We are going to recall Professor Scriven.

HEARING OFFICER JORDAN: Recall Professor Scriven.

FURTHER TESTIMONY OF MICHAEL SCRIVEN
DIRECTOR OF THE EVALUATION INSTITUTE
UNIVERSITY OF SAN FRANCISCO
SAN FRANCISCO, CALIFORNIA
FURTHER DIRECT EXAMINATION

BY DR. POPHAM:

Q This is somewhat unusual procedure, Professor

Scriven, calling you back, but we were interested to have your observations on the hearing to date.

As you have observed the opening testimonies of both groups and the witnesses thus far and the cross examination, what thoughts come to your mind regarding what has been transpiring here?

A It seems to me there is going to be some risk of getting bogged down into some of what I see as the less important issues.

Let me give you an example of that. It is clear that it is possible to abuse the minimum competency testing. It is possible, if you put enough political pressure on, to get the retakes down frequently enough with a small enough set of questions so that eventually the student has had all the questions discussed with their advisors, and on the 16th retake they will get them right. It is possible to cheat deliberately in all sorts of ways.

The fact that this happens is not a sign that minimum competency testing is not a good move to make. It is a sign of the political power to corrupt any kind of system of testing that exists in the school system, the exact circumstance which necessitates going towards independent testing.

We are going to it not because teachers are incapable of doing a very good job, but because under the pressures that they get for that, they find it is very difficult to actually follow through and give their best shot to this. If we find that MCT itself gets corrupted by enough teachers, administrators, students and parents finding some way to cheat on it, then we know that we have come to the end of the line and the system is not worth saving. That is why I put the matter in a very extreme way at the end of my first testimony by saying this is a last chance issue.

One can put it in minimum competency terms by saying that the question of whether the school systems will go for minimum competency testing is a minimum competency test of the school systems. If they can't cut it for this, the tiny little thread that connects external reality with what the schools are doing, then we are in very bad shape. This is the one way in which the consumer, whether it is the student, parent or the employer, finds out whether people that are getting graduated, i.e., dismissed from the school as having learned what the school teaches them, whether they have really learned what the school has to teach them. And if it turns out they are illiterate, that is bad news. It is important to know about that sort of bad news.

That is why minimum competency testing is a minimum competency test for the school.

Q Are you troubled by the objections, criticisms raised by our colleagues on the con team?

A They are excellent criticisms of the imperfections of many implementations and the state of the art of testing, give or take a little standard deviation here or there.

The question is not that. The question is what do we do instead? If what we do instead is to be asked to pour more resources into the present system, then we have already tried that. We have lost public credibility doing it, and the results are that we graduate illiterates. We have to have a better alternative than that. Minimum competency testing is a step towards honesty in the system by moving the evaluation to the external position.

Q You concluded your opening remarks with the observation that minimum competency testing was "the last hope of education." Even for the pro team this may be a little strong. Perhaps you would like to explain what you meant by that.

A Well, just to amplify one step further, it isn't that hard to work out whether somebody can in fact write. The usual way is to ask them to do some writing. Similarly with reading and similarly with computation. Whatever the tricky little details there are about the testing system, we are committed -- the fact remains that at a crude level it has to be possible because the employers do it and the people at the higher level in the educational system do it, and it is done all the time. You discover that your new students at Berkeley can't write sentences, can't listen, can't read properly. This is an easy thing to discover. It may take multiple reiterations of a test to do it. Fine. Minimum competency testing systems normally allow multiple reiterations. It may mean that the initial cutting score will be a little arbitrary to within a few points. Fine. Allow the student to rework and retake. None of these are important drawbacks. They all relate to the question of. whether the total expertise of the testing profession, the evaluation profession and the education profession can or cannot face up to being honest with the people who pay the bills and whose children go through, and with those children themselves.

So I am really anxious for people to see the crucial question here as "do we go with the big lie some more?" The big lie is to graduate people who can't pass fifth grade tests. If we want to go with that, for my money, that is the end of the system of education in this country as we have it. If we want to move away from that, we have to move to some kind of external testing in basic skills. If we go that route, that is minimum competency testing. It may not be perfect today. It is not bad today, and we can move it up real fast once we decide that is the only alternative we have.

DR. POPHAM: Thank you, Professor.

HEARING OFFICER JORDAN: Cross?

DR. MADAUS: Yes.

CROSS EXAMINATION

BY DR. MADAUS:

Q Mr. Scriven, just to return to something you said this morning, you would prefer using multiple indicators in program evaluation, is that right?

A Right.

Q Now, also this morning you had a nice example that you used of comparing your head of hair with Dr. Popham's head of hair, and isn't that more like comparing the valedictorian with the bottom person in the class, and aren't we really concerned in all of this about people who have very similar heads of hair, and we are trying to distinguish between them?

A No, I don't think that is the proper focus at all. That is why I am worried about that line of questioning on the cutting score. The focus is the bottom end. Are you going to be honest about the people at the bottom end or not?

Q What about being honest about the people who are on the cut score?

A Give them a second chance. They are not going to be penalized.

Q What about being honest about the people who are just over the cut score and never have to take the test again, and in fact, because of errors in the test, would have fallen below the cut score?

A Well, we can be honest with them and tell them their score.

Q But it is not dishonest to tell the public that here is a diploma and he is only one point over the cut score? That is not dishonest?

A Why would that be dishonest?

Q How is it any different than one point below the cut score?

A It is no different?

Q It is no different?

A No. The crucial thing about this is nothing to do with the cut score. It is whether or not you have graduated the people who are illiterate at the bottom end of the scale. The cut score is the details.

Q Except the individual kids.

A No, the individual kids get the chance to retake, and they get help on the retake. There is no permanent loss.

Q What about the kids just one or two points over the cut score?

A People who are one or two points over the cut score, you can hardly be dishonest in telling them.

Q So you are not making any inferences about their ability. You are just saying they are one or two points over the cut score?

A Of course I am making inferences about their abiity. They are marginally competent.

Q But we don't say that. We give them a diploma.

A Who said we don't say that?

Q Does it say on the diploma we endorse the diploma and he got so many points over the cut score?

A The idea is not to suppose that the entire function of the education system ceases with the diploma. One of the things we are trying to fight against is the idea that you should give it in wildly inappropriate cases. To be one point over the cut score is not a case of being wildly inappropriate.

Q Well, there are -- it is not wildly inappropriate?

A No, it is not wildly inappropriate. It is one point over the cut score. Giving a diploma to somebody who is illiterate is wildly inappropriate.

Q And neither team is for that, and we will show you viable alternatives if you can stay this afternoon.

Thank you.

HEARING OFFICER JORDAN: Thank you very much.

Thank you, Professor Scriven.

That concludes the morning presentation of the pro team's case.

We are going to recess now for lunch and reconvene this hearing at 2:20. We hope to see you then.

(Whereupon, at 11:50 o'clock a.m., the hearing in the above-entitled matter recessed, to reconvene at 2:20 o'clock p.m. the same day.)

AFTERNOON SESSION

2:20 p.m.

HEARING OFFICER JORDAN: The hearing will reconvene and, as you know, this afternoon we will hear the Con Team present its case. The first witness for the Con Team is Mr. Ralph Nader of the Center for Responsive Law of this city.

THE CON TEAM PRESENTS ITS CASE

TESTIMONY OF RALPH NADER
CENTER FOR RESPONSIVE LAW
WASHINGTON, D. C.

DIRECT EXAMINATION

BY MS. PULLIN:

Q Mr. Nader, we heard a great deal of testimony this morning about minimum competency testing and the allegations of the other side that minimum competency testing is a consumer protection device designed to assist the American public in evaluating public education and to put an end to what was described this morning as the "big lie" about American public education.

Do you agree with the testimony this morning indicating that minimum competency testing is a consumer protection device?

A I don't believe it is because any consumer protection device has to meet certain standards that can be considered process standards.

Q What would the standards for a consumer protection device be?

A For example, they have to be openly refutable in terms of their quality and the accountability process is, shall we say, extremely minimal for these tests. There is a great deal of secrecy about how these tests are prepared. There is no "truth in testing" legislation that covers these tests, so they can be retroactively analyzed as the SATs are retroactively analyzed by the test takers themselves, that is, the students.

Q You indicated that there are other criteria that you hold for consumer protection devices. What criteria would those be and how would they apply in this context?

A The most obvious one is that a consumer protection device has to protect the consumer. In this case the consumer is the student. Do these MCTs protect consumers? Most definitely not. They are a kind of educational roulette where, depending on how the student feels on a given day, depending on the ambiguity and poor quality of the test, a high school career can be stopped suddenly or a promotion from one grade to another can be stopped suddenly.

Life is just not made up of the last of the ninth inning of the last game, when the pennant is going to be decided in the coming pitch. That's a very unfair, precipitous way to decide any important decision, not to mention a promotion decision in school.

Furthermore, these tests don't reflect what the students were learning or not learning in school. The symmetry simply isn't there. They purport to predict adult competency. This is a complete fraud and misleading assertion, again a violation of consumer protection principles.

I am reminded that the Educational Testing Service, which tends to say that it spends the most time developing sophisticated tests of anyone in the world and they only purport to predict the grade scores in the first year of college by these high school students who take the SAT.

Their prediction level is about fifteen percent, that is, except for about fifteen percent of the students you can roll the dice and you will come out as accurate in the prediction as these tests.

The SAT does not predict future capability or competence and yet these minimum competence tests, so-called, have the educational hubris, shall we say, of trying to predict adult competency. I don't think in the year 5000 A.D. psychologists will be able to so narrow and predict the variables of the human intelligence in the cultural context to warrant such an effort, much less being done in 1981.

Q You are saying, then, that the minimum competency examinations we are discussing here purport to measure a much broader area of a student's ability or achievement when compared to an examination that you have also described -- college level examinations -- which are described as being a much narrower aspect of an individual's capacity? Is that correct?

A Exactly. The SATs have much narrower ambitions in their predictive claims and they are very poor in the accuracy of their prediction. The MCTs have an almost human, global claim about competency and they don't even come close and there's no data to support what they do.

In fact, the existing tests in this area show just the opposite. Competent adults who have taken this test have failed the MCTs in significant numbers.

Q Should multiple choice tests be used to determine grade-to-grade promotion or graduation from high school at all?

A Never. That's like putting an extremely tenuous, extremely arbitrary, extremely categorical, extremely error-prone, extremely ambiguous prone pattern on top of the young mind. The multiple choice test does not allow for nuances. It is filled with ambiguities.

Just let me read you, if I may, a couple of questions here to illustrate my point. Mind you, this is, at the most, a high school senior taking this test, perhaps much younger, of course, as well.

Question: A deputy sheriff came to Wanda's house today with a warrant for her arrest. What should Wanda have done?: (A) refused to accept the warrant until she talked to her lawyer; (B) called her lawyer and asked her to come to Wanda's house to talk to the deputy; (C) pretend that she was not Wanda; and (D) gone with the deputy and called her lawyer from jail.

First of all, there might be some poor children who never would even think of having a lawyer to call and the question is a horrible one.

Q You are a lawyer, Mr. Nader. Do you know the right answer to that question? I don't want to put you on the spot.

(Laughter.)

A Well, the best one -- you know, most people just don't have lawyers that they call. That's the problem. Lawyers don't serve most of the people in this country. You would want to call your lawyer and ask her to come to Wanda's house to talk to the deputy. In other words, you freeze the situation.

But, you see, it's very ambiguous, this set of replies, and you are supposed to answer in, what, thirty seconds or sixty seconds or ten seconds?

Q As if there were one correct answer?

A That's right. And then there is this one. This one is even worse because it depends on whether you are a citizen activist, what the quality of your neighborhood is like, whether you are a multi-purpose person, et cetera. Listen.

The city garbage truck has not picked up Esther Maxy's garbage for three weeks. Esther is having trouble keeping the flies and mice away. What should she do?: (A) take the garbage down the street to an empty lot; (B) call the hospital to complain about the mice; (C) call the sanitation department about the problem; and (D) cover the garbage with a sheet.

Suppose you live in a town where the sanitation department operates at glacial speed. By the time the sanitation department comes you might be engaged in methane biomass deterioration of the garbage. If you have an empty lot that, say, belongs to someone you know and can be a repository temporarily until the sanitation department comes, or if there is a practice of this occurring where you might want to do two or three of these. It is nonsense.

It penalizes the subtle mind. It discriminates against whether you come from a rich neighborhood, a poor neighborhood, whether you are a certain ethnic group, cultural background and the like. In fact, you can't even satirize these tests. How could you satirize satire? I haven't found out yet.

Q Mr. Nader, do multiple choice tests have some value as predictors of future performance for students?

A I don't believe so. First of all, what do multiple choice tests not purport to measure? They do not measure the student's determination, stamina, creativity, character, idealism, experience, judgment, wisdom. These are all the qualities that make for success in life. These tests don't purport to measure them. They don't measure them. But they are used to determine the future course of a young person's life, whether educationally or, in an indirect way, occupationally.

Q Well, would you see, then, that perhaps minimum competency tests could offer a way to improve the quality of America's public schools?

A I think only by exposing their own absurdity. In other words, the way a deceptive practice focuses attention on what is behind it.

Is there any evidence in the literature that MCTs have led to school system change? First of all, the burden is on the child, on the student, in the MCT context. It is often viewed as a student problem rather than a school problem, a system problem or whatever. There is no indication that there is even a retroactive system change as a result.

I am reminded of Professor Campbell's comment, when he said that excessive reliance on quantitatively measured scoring systems paves the way for the misuse, corruption, political manipulation of not only that scoring system but also of the social processes that these scoring systems are supposed to be either reflecting or improving.

By that he probably meant that the instruction starts tailoring itself to the MCT, that it becomes a numbers game, a political type of game, that schools vie with one another to measure their adequacy by how many students pass these tests on the first go-around, or what have you. It is a decoy. It is a diversionary method to avoid facing up to the real qualitative problems in the school system, and they are not all student-oriented.

Q Are you concluding, then, that minimum competency testing may do more to harm the public's perception about education than to help it?

A That's exactly my point. Not only don't they fulfill constructive missions, they don't provide useful information. But they actually, over time, will increasingly damage people and systems in the following way.

They will affect the self-esteem of the students who happen to fail. It just so happens that there's a higher rate of failure amongst minority groups and lower income groups, which is exactly the kind of correlation that we have found to be the case with the SATs and other multiple choice tests of the ETS company. In short, there's an economical and cultural bias here.

And what is even more tragic is that it's been shown that minority students who failed these tests internalize the test scores as a measure of their self-worth even more intensively than non-minority students who fail these tests. So it's a very destructive factor for self-confidence and it shouldn't be given the gravity of a fraction of a percent that it is now given in the context of assessing the student's performance.

The problem with MCTs is that they are given a wildly exaggerated significance for a scoring process that is extremely inadequate, fraught with error and ambiguity, culturally biased, destructive of any expression of reality of what is going on in the school, and unable to reflect back on the school system by way of improvement of the system itself.

Q In conclusion, then, would you say that you oppose the use of minimum competency testing to determine the award of a diploma or promotion?

(Laughter.)

A I not only oppose the MCTs because they don't deliver what they say they deliver, I oppose them because they are a diversionary technique that diverts attention from the real problems of the school system in American society. They waste money. They throw the system into a centralized decisionmaking process rigged with political manipulation. They take away the personal evaluation of the student by teachers and school systems, at least to the extent that it should be. It depreciates that personal judgment and evaluation. And it does a great deal of harm, cumulatively, to the psychology of the student and, indeed, the orientation of the curriculum.

I want to just give you a little anecdote that came to my attention recently. Two teachers met in California -- they happened to be university teachers -- just a few weeks before exams. One said to the other, "You know, I haven't drawn up a multiple choice test for a long time. It is rather hard." And the other teacher said, "why are you giving your students a multiple choice test?"

The first teacher said, "Because I have 110 students and I want to achieve fair grading." The other teacher says, "Well, I have 600 students and I give essay-type questions because I want to achieve fair questioning." Fair questioning is more important than focusing on fair grading because it is the prerequisite to fair grading.

MS. PULLIN: Thank you very much, Mr. Nader. You can cross.

HEARING OFFICER JORDAN: Cross examination.

CROSS EXAMINATION

BY DR. POPHAM:

Q Mr. Nader, there is a puzzling contradiction between your testimony today and the thrust of your career, as far as I can discern it. And since I am one of your many admirers I hope you will be able to clarify for me.

You have been a champion of consumers' rights through the years, defending the consumers against exploitation by business and industry. If an industry attempted to profit by fraudulently representing its goods or services you have protected the public by exposing that fraudulence.

Now in the minimum competency testing we see an effort to restore honesty to grade level promotions and the awarding of diplomas. The people who crafted these programs are anxious to let the public honestly know what is transpiring in education and yet we now find that you are opposed to this. It seems contradictory. Perhaps you could clarify.

A Well, it isn't contradictory. First of all, in this area there are profitmaking firms and consultants who benefit from the widespread acceptance of these tests, so there is a commercial ingredient of vested interest here.

Secondly, your comments remind me of a bill that passed through Congress a number of years ago called The Truth-in-Labeling or Truth-in-Packaging bill. And I was one of the first to denounce this bill because it did nothing of the sort. It itself was a deceptive piece of legislation.

Q You proposed truth-in-testing laws?

A Yes, because it was a disclosure factor. It propelled to the public arena data so that people of all views and all backgrounds could analyze it and grapple with it, not to mention the consumers themselves, that is, the test-taking student.

So it isn't the label that is given to this effort. MCT. It is really what is behind the label.

Q I'm just trying to push a little bit on this because you are not opposed to truth-in-testing laws because they reveal what is going on. Are you contending that a minimum competency testing program by nature must be secret? Couldn't you conceive of some in which the public is informed, the nature of the tests are described, and students have access to the test after they're given it? Isn't this a possible conception?

A Oh, yes. I would hope that as a first step toward public understanding, abolution of MCTs, that there first be truth-in-testing disclosure, but I am willing to let the public decide that. I think that they will come out against these tests the more they know about them.

Q Thank you. You have offered opinions today regarding test validity, the nature of the minimum competency test, the deficits of multiple choice test items, and so on. Are you offering those opinions as an expert on such technical matters or as a layman?

A Well, how do you define a layman?

Q You would be a special one, not your average layman, certainly, but I just wondered if you had any special credentials to qualify you to talk about matters of test validity and things of that sort.

A I believe so. We conducted a six-year study of the Educational Testing Service that was completed in early 1980. This involved reading over enormous numbers of documentations. Our staff, led by Allan Nairn, did that. So I think we have a more than nodding acquaintance with these tests.

I also have a very intense understanding of how these tests affect students, having communicated with students and taught students for a number of years.

Q On the basis of that experience, are you really prepared to say that written multiple choice examinations can never serve as valid measures of student knowledge or skills?

A I think they have an inherent defect, yes. That is not to say that every single multiple choice question is defective. It is to say that there is a penalty imposed on the students' critical reflective abilities, that these tests make themselves very vulnerable to ambiguities, and that the time pressure on these tests are utterly unrealistic in terms of reflecting real-life experiences and judgment.

Q Are you familiar with the many minimal competency tests that are given without time limits, or do you think that they are all time limited?

A They are not all time limited, but certainly these MCTs, for example, in California run two hours or so and, you know, there is a time limit.

Q There are many states in the nation, many districts, which have no time requirements because they are important examinations, of course.

A I would not put a great emphasis on that. A far greater emphasis should be placed on the inherently ambiguous nature of many of these questions and the important point that they are given a wildly exaggerated and decisive significance for human beings' future careers or educational advancement.

Q You talk about the inherent ambiguity of the multiple choice test. So then you really do believe it is impossible to create a decent multiple choice test that measures certain types of knowledge and skills?

A By comparison with alternatives, yes. In other words, I think that there are alternatives, even in the hard sciences, that can give a greater opportunity to the creative diversity of students. As you know, there is more than one way to deal with a math problem.

Q You have spoken about the fact that tests essentially ignore individual motivations and needs and interest and so on. Aren't there some tests, like the FAA test that licenses pilots to pilot commercial aircraft, where you wouldn't want to make accommodations to the individual's motivation or preferences, where you ought to have a single standard, or do you think all tests have to have that?

A If you have a narrow test it should be for a narrow purpose. For example, when they test airline pilots, technically it is for a technical purpose. They don't then say okay, airline pilot, we are not going to talk about your stamina, your physical capabilities, your temperament, how you behave under pressure in crowded skies near an airport. They don't do that. You see, a narrow test should be for a narrow purpose.

Q So a test with an avowed purpose could be used for that purpose legitimately?

A It could be, but it has to be examined on its own footing.

Q You commented that minority students in particular often will fail the test. They have reduced self-esteem as a consequence. Did you have an opportunity to hear this morning the numerous witnesses on our side who testified to the opposite effect? That in fact students' self-esteem, minority and majority alike, were many times enhanced as a consequence of those tests?

A I did not hear this morning's testimony, but I am aware of that assertion and it's usually based on the following, that if they pass a test that doesn't mean anything they feel good because they passed the test.

The key thing is not only how they feel when they pass, when they fail. The key thing is how they feel when they fail a meaningless test and also how do they feel when they pass a meaningless test.

Q And you are saying, by definition, all minimum competency tests are meaningless?

A The ones that are given in this country, definitely.

Q And they are meaningless because of the ambiguity of the test items and what else?

A They are meaningless by their own standards. They do not predict adult competency. They do not reflect what is taught or supposed to be learned in the school curriculum. They are inherently ambiguous in many respects. And they have a class bias.

Q Not being able to predict adult competency is an interesting contention because our opponents earlier today suggested there was considerable uncertainty about what adult competency is. How could they not predict what we don't know? I mean, is it really the case that creators of minimum competency tests allege that unless they predict with rather decent accuracy success in adult life they ought not be used? Do you think all minimum competency testing architects are claiming that they have to have that predictive power?

A I don't think anyone claims that these tests are bullseye predictors of adult competency, but it is bad enough that they even presume to predict even a general approximation to adult competency.

And I am not just speaking about people who may be disabled or not feeling well that day and thereby subjected to a particularly sharpened form of educational roulette. I am speaking about people who cannot reflect the diversity of their intellect, the background of their experience and judgment, through that extruded, narrow mold called the multiple choice test.

Q Let me ask you a little bit about that. Granted that we can't make perfect bullseye predictions. If you found a youngster who could not pass a minimum competency test calling for the demonstration of basic skills in reading and writing and mathematics, and then you found a youngster who could, which of these two youngsters would have the better chance to succeed later?

A That, of course, is what is called a leading question.

Q I am permitted. This is cross examination.

(Laughter.)

A Based on your premise, the students who show that they can read, compared to students who show that they can't read, will do better in life, I will say they will do better in those matters of life which require reading. They may not do better in motivating people and leading people and organizing people and many other skills in life.

Secondly, the school tests themselves should be able to show whether the students reflect the substance, the specific subject matter that was supposed to be taught in the course. And you really shouldn't have another layer of one-shot multiple choice testing to do what the schools themselves should be doing in their own testing.

That is what I meant when I said earlier it is a dangerous diversion that develops a closed loop of self-satisfaction by the test makers and test administrators.

Q If I understand you, then, you are saying that currently tests are being used in the schools but they are not being used properly?

A The spectrum is very wide. The schools have many problems and many differential qualities.

Q I guess I am troubled, particularly since I am such an admirer of yours, for you to come down on this side of the case. You ought to be one of our witnesses.

MS. PULLIN: Can I ask again that Dr. Popham avoid the gratuitous comments, even when they are favorable to my own witness?

HEARING OFFICER JORDAN: The doctor is cautioned.

DR. POPHAM: I withdraw the gratuitous compliment.

(Laughter.)

THE WITNESS: I didn't think it was gratuitous.

BY DR. POPHAM: (resuming)

Q What is the alternative? Are you satisfied, Mr. Nader, with student mastery of basic skills today in America? And if you are of course there's no reason to be looking for alternatives. Are you satisfied?

A Who can be satisfied?

Q I hope not.

A Obviously not. I think what we have to do is focus on the day-to-day quality of education rather than expect a particularly grave decision to be made in a one hour, two hour, three hour exam. I just don't think that reflects fairness in life. I don't think that reflects reality in life. I don't think it reflects the substance of the elementary and secondary education that the student has gone through.

I am sure we would agree on many ways to improve the regular curriculum, the quality of education, and that is where the emphasis should be. And if budgets are so tight, why in the world are budgets being used for this kind of testing, when they should be directed much more toward the interaction between student-to-student, student and teacher, and teacher and administrators, parents and teacher associations, and schools and society.

Q As a final question let me rephrase what you have just said and you can pick apart my rephrasing.

It seems to me you are saying, in essence, schooling is not satisfactory but we want more of the same.

A Oh, no. That is 180 degrees difference. You see, your type of rephrasing is responsible for creating these multiple choice questions. You are really proving my point.

(Laughter.)

What I am saying is that so serious is the situation in our schools -- and it has been serious for many years; it is not a recent phenomenon -- that we have to pay attention to the kind of changes that integrate themselves in the daily experience of the student, teachers, parents and administrators, and rather than go to the easy fix, the quick label, multiple choice MCTs. And I think the sooner we get on with this business and face up to the real hard problems, rather than think that we have some kind of an educational hubris that can say stop and go to students based on multiple choice test questions which really don't even reflect much of what they are learning or didn't learn at school the better off our educational system will be.

DR. POPHAM: My colleague, Professor Alleyne, has a question.

BY MR. ALLEYNE:

Q Mr. Nader, Dr. Popham, during his cross examination, asked you a question about your competence in the area of education and testing in particular, and my notes show that you responded to one of his questions, "We conducted a six-year study." Was that your response?

A Of multiple choice testing and the Educational Testing Service.

Q My question is, who is "we" and were you part of the "we"? Did you actually take part in the study in terms of doing research and analysis yourself? Or when you answered the question were you merely reporting on the results of the six-year study?

A I was involved in the study. Anybody who knows anything about the studies that we put out realizes that sometimes I am considered too much involved by the field researchers. We help to frame the general questions, not only helped frame the access to the data, made sure the data was verified--

Q You yourself? When you say "we"?

A Well, not everybody did everything. Different people. Edited the materials, questioned some of the specialists in the field, and, above all, I want to make this point, that in all our consumer protection activities we have always followed one rule. Consumers, per se, have a right to evaluate, judge and make commentary and sometimes from their perspective as consumers they can make extremely relevant and telling commentary as the college students have done vis-a-vis the SATs and Graduate Record Exams and LSATs in the last few years.

Q Can you give us a rough percentage of the total manhours of work which went into the six year study that you yourself took part in?

A I really couldn't judge that because it involved, over a period of six years, meetings, reading, analysis, culling questions, but it clearly was in the hundreds of hours.

Q As compared to the number of hours for the total time put into the project?

A As compared to the thousands of hours for the total time, because it involved many people over quite a period of time.

I want to also emphasize that it is our function to bring together the most insightful and competent commentary which often is not given an adequate hearing simply because it runs against the grain. For example, who could question the credentials of Professor Campbell in this area, yet he has not been offered the kind of prominent platform by the Educational Testing Service establishment, because he is known to be critical of them.

And yet I have never heard anybody question his credentials and expertise over a lifetime of analysis in this area. And many of these leading specialists have confirmed and concurred with our conclusions in our ETS study, and, indeed, praised them highly, including a report that appeared in the Harvard Educational Review by two Harvard Medical School professors.

BY DR. POPHAM:

Q A final question. Would it be correct to assert that whereas you did devote a substantial amount of time during the six-year study that you have not seriously studied minimum competency testing per se?

A Multiple choice testing has common infirmities. These tests have common infirmities. And while they have sometimes uncommon infirmities in the sense that the ETS specialists look down on the quality of multiple choice questions in the MCTs, and there is available somewhere an internal ETS memo which has comments on this, they do exhibit common vulnerabilities, limitations, predictive failures and damaging results on systems and students because of the wildly exaggerated significance and decisiveness that are accorded them.

Q But in response to the question you have not?

A Oh, yes. I have. I have studied multiple choice testing.

Q You have studied minimum competency testing programs per se?

A Do you see all this? Do you want to test me on these (indicating)?

Q So the answer to the question is yes, you have studied minimum competency testing programs?

A I have studied the technical literature. Actually it's very fresh in my mind. I have even looked at some of the questions which have escaped most eyes in this country because they are secret.

BY MR. ALLEYNE:

Q I see that one of the books you have in your pile is entitled "When Consumers Complain."

A That's another project.

Q Is there anything in that book about minimum competency testing?

A That's another project. Everything else is minimum competency -- technical reports and studies, all people whose names you know.

DR. POPHAM: Thank you very much, Mr. Nader.

HEARING OFFICER JORDAN: Mr. Nader, before you leave, for our record, we need it stated with clarity whether your testimony is as an expert, as a specialist, or as an informed and concerned citizen.

THE WITNESS: As an informed and concerned citizen and as a specialist in some areas of testing, motivation and impact, as well as the political, sociological, anthropological and legal aspects of this area. I will leave the psychometrics to others to crave specialization status for it.

HEARING OFFICER JORDAN: Thank you, Mr. Nader.

The next witness, Dr. Arthur E. Wise, Senior Social Scientist, Rand Corporation of this city. Dr. Wise.

TESTIMONY OF DR. ARTHUR E. WISE
SENIOR SOCIAL SCIENTIST
RAND CORPORATION
WASHINGTON, D. C.

DIRECT EXAMINATION

BY DR. MADAUS:

Q Dr. Wise, could you give us a little of your background and education, please?

A Yes. I recently completed a book called "Legislative Learning", in which I examined a number of trends involving federal and state and judicial regulation of the schools. In the past I have been an associate professor of education and associate dean of education and associate director of the National Institute of Education.

Probably I am here, however, because Time magazine has called me perhaps the most outspoken opponent of minimum competency testing.

Q What do you think -- in your studies, what has led to the growth of the minimum competency testing movement?

A Well, I think I have a rather different view from that that has been expressed so far today. Many people believe that the concern for minimum competency testing arose when people noticed that test scores were declining and yet through the period of the '70s, when the minimum competency testing emerged -- from the mid-'70s on -- the best available evidence suggested that test score trends were either constant or increasing.

I refer, of course, to the best available evidence, which is the National Assessment of Educational Progress. So that caused me to look further into what might be causing a growing interest in minimum competency testing.

I noticed that it was but the latest in a number of efforts by state legislatures to assert greater control over the curriculum in our schools.

It also arose during the mid-'70s, when we noticed an emergence of political conservatism and fiscal conservatism, movement which implied that perhaps if we reduced our aspirations for education we might be better able to achieve them and indeed perhaps in so doing we might be able to reduce the cost of education.

Q So then you think minimum competency testing was a political response rather than an educational innovation?

A Well, I think, just to elaborate, that the movement spread quite rapidly. It was a movement which few people had heard of around 1976 and yet by 1978 we had such legislation enacted in nearly every state or seriously under study in each of the states.

Minimum competence testing spread so rapidly perhaps because it seemed to be a relatively easy way to fix a rather difficult problem. That problem, of course, is that there are certain students who our students are not now well serving. We have low achieving students in our schools. Indeed we have, of course, low performing schools as well as teachers who do not perform well.

It looked like a way by which we might quickly and cheaply recommend, find ways to improve the schools. That, it seems to me, accounts for the rapid spread of minimum competency testing. The movement is more political than educational, one might say, because we already know where the low performing students are.

Education in the United States has been replete with standardized testing. Indeed, most of our states and most of our school systems since the early part of the century have had standardized testing programs. The excuse that we need to have a new test to identify students who are not performing well strikes me as flying in the face of substantial evidence we already have -- systematic evidence -- not to mention the fact that standardized testing produces or minimum competency testing produces information which most classroom teachers already have through their own personal observation.

I am particularly concerned about minimum competency testing because it seems to divert our attention from a trend which began in the mid-'60s and has begun to -- and into the '70s, which was an increased concern for equal educational opportunity in this country, a concern for a redeployment of resources in the interest of enhancing the kind and quality of education which was being made available to all of our students.

It has shifted our concern to what might be called a minimally adequate kind of educational experience to be made available. Now these words are, of course, capable of substantial interpretation and reinterpretation and yet we notice now that instead of talking about equal educational opportunity any more much more we are now talking about producing minimally adequate educational opportunities for students. And this, it seems to me, is a redirection of our national spirit, which is not likely, or which is likely to translate into a kind of self-fulfilling prophecy, especially as regards certain children whom we are not now well serving.

Q You have written that minimum competency testing is but the latest version of trying to apply scientific management to education. Could you tell us what you mean by the term "scientific management" and what an we learn from past attempts at this?

A Okay. What is going on now smacks of a trend which existed in education between 1900 and 1920 in the United States, well documented in a book by Raymond Callahan called "Education and the Cult of Efficiency". It was believed that if we could be very specific about the kinds of instructions we gave to teachers and very specific about the kinds of expectations we would have for students, if we could derive lists, if we could run around with time in motion studies with time clocks and so on we would improve the efficiency of education.

Around 1920 we began to abandon that trend, only to rediscover it around the mid-'60s, with a big difference, however. In the early part of the century it was local school boards imposing the system on local school systems. Nowadays it is state government trying to impose these systems statewide. The effect, I think, will be similar, as we will discover.

Minimum competence testing is but the latest in a series of trends that began around 1965. We have accountability and PPBS and performance based education and a variety of jargon which you all have heard of. They seem not to last very long, happily. Each of them is devised as a panacea for education. Each of them seems to have a rather short life, although I must say that minimum competency testing seems to be taking hold a bit more strongly than some of the others, perhaps because it is tied to a rather concrete technology, concrete and well-developed technology, the technology of testing.

Q You said that minimum competency testing shifts control over the curriculum from local to state officials. Now how does this happen and why should we be concerned about it?

A It's kind of a truism that he who determines the test controls the curriculum. Maybe we don't need to be concerned right now because the minimum competency testing, as most of us know, minimum competence tests are relatively easy tests and they are devised in such a way that substantial numbers of children will pass them. So maybe we don't need to be too concerned.

The school systems only have to spend a small amount of time getting students ready for them. But, in fact, I think the public will become quickly aware that minimum competence tests are quite minimal, if you will, and that will lead, perhaps, to the expectation that these tests should be made much harder and that they should be expanded beyond basic reading and arithmetic skills to cover the full curriculum. Well, that means that one will have to have state officials devising tests in these areas and perhaps even state officials monitoring that the curriculum is being properly implemented in all school districts.

I guess I am concerned that in the process, by having taken this step called minimum competency testing, we will be in effect redesigning the educational system to become a much more centralized educational system where local school districts will become far less important than they are now, where the state will become far more important, and what we will see enhanced in education is a kind of bureaucratic control over our schools, even more bureaucratic than they already are.

Q Some of the features of the European system?

A Well, I think one can look to that, that famous homily that the Minister of Education of France could look at his clock and know what all students were learning throughout France or being taught throughout France at that particular hour. That seems to be the direction on which we are embarked.

Q You have written that minimum competency testing results in goal reduction and something you call goal reductionism. Could you tell the audience what you mean by those two terms and why do you object to these trends?

A Okay, with apologies for the terms, I will go on and even mention one or two more. Because the effort here is to enhance state control of education, one must rely on testable, measurable items. Measurement in education, of course, means testing in education.

Hence we come to value in education, that which we can measure. And it seems to me rather important to point out that what we are talking about here with minimum competency testing are not really reading skills and arithmetic skills and the love of reading and the love of arithmetic. Rather, we are talking about a student's capacity to demonstrate on a test that he can perform -- that he or she can perform -- certain skills. That is different from improving achievement in these arenas.

But having said that, having noticed that what minimum competency testing contributes to goal reduction, that is a narrowing of the curriculum emphasis and reductionism, reducing it to that which can easily be measured, we notice that it contributes to a centralization of educational policymaking, a growing bureaucratization of educational policymaking in which people high above the school system are making policy for that school system.

It seems to me that it is also associated with what I would refer to as a deep professionalization of education, where the role of the teacher is substantially changed to become much more like that of a bureaucrat. You know, a bureaucrat is one who has a rather precise job description, a job description which is given to him or her which tells him what to do and how to do it. That is the direction in which minimum competency testing and its inevitable successors will push American education and that is my conjecture about what will happen if we continue along this road.

Q So you think it will reduce professionalism in teaching, change the teaching profession?

A I think it will make education less attractive a profession to the more talented people in our society.

Q In recent years test scores have been rising in the areas where minimum competency testing has been emphasized. We saw today something from Prince Edward

County. Doesn't this prove that minimum competence tests improve competencies?

A Unfortunately, I believe that is not the case. I happen to be personally engaged in a study at this time which has caused me to interview some 60 teachers about some of the developments associated with minimum competency testing and the increased emphasis on testing in our schools. And I am not yet ready to talk systematically about the results of that study, but I can tell you what many of the teachers report, that with the institution of minimum competency testing they redirect their efforts, and upon further probing what we discovered is that they redirect their effort so that they will be stressing those kinds of skills which are tested for.

And I must say that teachers report to us not about themselves but about other teachers, that the more unscrupulous among them teach testing -- teach for the test and so on, the really rather expectable responses of people who are put under pressure to perform well on a single metric.

MR. ALLEYNE: I would just like to point out that the last response was not only hearsay, it was double hearsay. It was a statement by people who are not here, reporting on what other persons told those persons who are not here, and I would like to have that statement stricken.

HEARING OFFICER JORDAN: Mr. Alleyne, your suggestion is well taken, but hearsay is allowed in this hearing, and I know for those with legal training that is a very strange rule, but in education circles hearsay is allowed and if what is being said is something which can be substantiated by example we appeal to the witness to do that.

But I cannot disallow it simply on the basis of hearsay.

MR. ALLEYNE: I'd just like to point out very briefly, Professor Jordan, that I am not objecting to hearsay, and I understand the hearsay rule in informal hearings of this kind. What I was objecting to specifically was double hearsay. So-and-so said that so-and-so said, and I think that takes it a bit too far in the relaxation of the rules.

HEARING OFFICER JORDAN: Dr. Wise, could you rephrase your responses to help Dr. Alleyne in this problem?

THE WITNESS: I will try.

What I was saying is that I and a colleague of mine interviewed teachers and what we have been finding is that teachers report to us that, in an interview setting -- that is, in a one-on-one setting -- that they feel under substantial pressure to prepare their students to perform well on standardized tests. And I think I need say no more than that.

HEARING OFFICER JORDAN: Thank you.

BY DR. MADAUS: (resuming)

Q Surely you don't object to upgrading quality standards in education. Why do you object to minimum competency testing, which purports to upgrade quality and standards?

A I believe that it is a distraction, that is prevents us from directing our attention to the real problem, which, as I stated at the outset, is that we have some students whom our schools are not now well serving. And we have some teachers in our school systems who do not belong there.

It seems to me that these problems are better solved at the local level with parents exerting pressure to upgrade the standards and variety and quality of the educational experiences which their children receive. It seems to me to be associated with efforts to upgrade the quality of people entering the profession of teaching. It seems to me to be associated with retraining the people who are already in the profession. It seems to me to be associated with research and development which helps us to cope with the problems of children whom our schools do not now well serve.

Q You were here this morning?

A Briefly, yes.

Q Did you hear Dr. Scriven say that minimum competency testing was the last hope for public education in the United States?

A Well, I might put it a little bit differently.

Q How would you put it?

A I might put it that minimum competency testing is the final nail in the coffin of public education. That is, public education is in substantial difficulty at this time. It is not meeting the expectations which are increasingly complex and technological and advanced and society requires.

It seems to me that minimum competency testing and the developments which will inevitably follow from it -- and I hope I am understood on that point and I am not necessarily objecting to what is happening now but merely what I expect to be following on the institution of minimum competency testing -- will create a more bureaucratic school system than we now have which will be associated with attracting less talented people to the teaching profession, which will further dehumanize the educational process by implicitly describing it as thousands of concrete behavioral objectives and which in a way will serve to further undercut the public's confidence in education.

DR. MADAUS: Thank you, Dr. Wise.

HEARING OFFICER JORDAN: Mr. Popham, cross??

CROSS EXAMINATION

BY DR. POPHAM:

Q Dr. Wise, you observe that you are not objecting to what we have now but only to the future. Apparently you have some vision of what will happen out there and so you are not so concerned about what is happening currently, is that correct?

A If I may comment, for the brief time that I was here this morning my concern is with statewide minimum competency testing, as you know. It is barely the case -- just barely the case that any states have even yet begun to actually administer to all students a statewide minimum competency testing. So that if I am speculating about future consequence, so, sir, are you.

Q The testimony we heard today is peppered with concern about state control.

A Yes.

Q And I heard at one point you assert that if minimum competence tests dealt with skills which were too minimal they could be raised, but the spectre of state control leads you back away from that. Would all reasonable educators share your concern about the intrusiveness of state control in education?

A Well, certainly all reasonable educators would not share that view, but I would point out a political development which has occurred in Washington over the last year, especially as it affects education. Certainly a belief that control by the federal government in education has gone too far, and I think that that same sentiment might well manifest itself at the state level.

Q So again we find that you are concerned about federal control, but extrapolating that to state control?

A I think that one only needs to read state legislation to become concerned about the fact that from 1965 until 19 -- well, for example, to take a state with which you are associated, from 1965 until the last time I looked was 1975, not a single year passed without the enactment, in California, of a brand new accountability law. And so it seems to me that people might be concerned about that.

Q You have disparaged political responses to educational problems. Since, at the federal level, Title 1 of the Elementary and Secondary Education Act provided aid to disadvantaged youngsters, and Public Law 94-142 provided assistance to the handicapped, do you want to go on record as opposing those political efforts to improve education?

A Absolutely not. If you will look at what I have written on the subject you will discover that I am in great sympathy with the notion of directing federal aid at disadvantaged populations.

Q So --

A There are proper roles. In short, if you are asking the question, there are proper roles for the federal government. There are proper roles for the state government in education, and there are proper roles [illegible] the judiciary in respect to educational decisionmaking.

Q So political solutions are acceptable if you like them?

A Political solutions are acceptable. Well, I have my opinions, certainly.

Q You commented in your remarks that minimum competency testing was taking hold more than you had anticipated. One might suspect that it might be predicated on the honesty which is at its core. I am curious. Don't you believe that since American taxpayers are paying for the schools they have a right to know honestly how well they are doing?

A Well, I absolutely do and certainly favor increased access of parents to information which is genuinely helpful and useful to them. I don't believe that an examination administered statewide will necessarily produce that high quality information that will be useful to the individual parent.

Q As a final question, I recall when you and I were sharing a platform debating this issue some years ago. I asked you a question then and I'll ask you the same question and see if you come up with a similar response.

This will be pre-test, post-test reliability.

A You have a better memory than I.

Q The question is, since you are so concerned about state level minimal competency testing programs, would you then not be opposed or not as opposed to programs such as those in California where the local districts do in fact create their own expectations, their own tests, and so on?

A Well, my answer to that is that any good school system must know what it is doing and must find ways of managing itself. And good school systems have done this in the past. They have had ways of planning, ways of monitoring how principals, teachers and students are performing and evaluating the outcome of all of that.

If you choose to call that minimum competency testing and that is done well, then I have no problem with it.

DR. POPHAM: Thank you very much.

HEARING OFFICER JORDAN: Thank you.

DR. MADAUS: Redirect?

HEARING OFFICER JORDAN: Redirect.

REDIRECT EXAMINATION

BY DR. MADAUS:

Q Title I, 94-142, Dr. Wise, my understanding is that they were political in that they were passed by legislation, but they were well founded in educational research at the time that they were proposed. There was a massive empirical suggestion that these kinds of programs would work. Is that correct?

A Well, certainly it was the case that empirical work on finance demonstrated unequivocally that children, poor children, children from low income families, were not receiving the same level of expenditure, the same quality of education as were their more advantaged peers, ample evidence on that point.

And as I read the major intent of Title 1, historically that was it, to direct attention, money first and attention second, to that population.

Q And do you think that we have that kind of base in minimum competency testing?

A I must say that, as I read and heard about the groundswell of support for minimum competency testing, I tuned in very carefully with all my friends and neighbors and as I traveled around the country. I did not hear a great outcry from parents of children -- of school age children -- that they felt a strong need for minimum competency testing. I did find that many people thought that there had been a decline in the standards in American education, a widespread consensus about that, and that we needed to do something about that, certainly, but that minimum competency testing was a proper response for that I did not hear parents say.

Q You are familiar with our Team's position and you know that we are not against using tests and we're not at all against using them in school systems to manage school systems at the local level. How do you feel about using the test as the single criterion on which you make the decisions like promotion or graduation or classification?

A I think that is unacceptable.

DR. MADAUS: Thank you.

HEARING OFFICER JORDAN: Any recross?

Thank you, Dr. Wise.

The next witness, Dr. Ralph Tyler, Consultant, Science Research Associates, Chicago.

TESTIMONY OF RALPH TYLER
CONSULTANT
SCIENCE RESEARCH ASSOCIATES
CHICAGO, ILLINOIS

DIRECT EXAMINATION

BY DR. MADAUS:

Q Dr. Tyler, welcome. It's a pleasure to have you here. Could you briefly describe for the audience your experience in education over the past sixty years?

A It is a long experience. I began teaching science and mathematics in the public high school of Pierre, South

Dakota, in 1921, sixty years ago. Later I worked with prospective teachers at the University of Nebraska.

Then, in 1927 and '28, I was responsible for the state testing program in North Carolina, working with the schools in that state. In 1929 I went to Ohio to head the Division of Accomplishment Testing in the Ohio Bureau of Educational Research. In 1938 I went to the University of Chicago, where I was University Examiner, responsible for the official examinations and tests in that university.

During and immediately following World War II I was director of the examinations staff of the U.S. Armed Forces Institute, where we developed the GED test and other examinations to enable returning soldiers and sailors to receive credit for what they had learned while in the armed forces.

In 1953 I became the founding director of the Center for Advanced Study in the Behavioral Sciences. In 1953-55 I chaired the Committee that designed the curriculum for the Advanced Education of Air Force officers in the Air Force University, Maxwell Air Force Base, Alabama.

From 1963 to 1969 I was chairman of the committee that designed and field tested the National Assessment of Educational Progress. In 1978 I chaired a panel to review the implementation of the Florida Minimum Competency Program.

Q So much for credentials. Thank you.

Based on your years of experience in education, Dr. Tyler, why do you think we are now engaged in legislating minimum competency tests which are used for diploma denial or grade-to-grade promotion?

A In a period of economic recession or depression many people blame their social institutions for their difficulties. The government, business and the schools are most commonly the targets.

In 1933 a national conference was held in Columbus, Ohio, on the crisis in our schools and some of the speakers predicted that our nation would fall apart because of what they perceived as the serious decline in the educational achievements of schoolchildren. Today there is great talk about declining test scores. Actually, the results of the National Assessment of Educational Progress, the only assessment which systmatically includes a representative sample of four age groups -- 9, 13, 17-year-olds and young adults -- shows no decline in reading and arithmetic.

The last assessment showed improvement in the proportion of so-called disadvantaged children who could read. The much-publicized decline in the SAT -- the Scholastic Aptitude Test -- scores of the college board seems largely attributable to a larger proportion of high school graduates in the lowest half of the class taking the

Scholastic Aptitude Test now rather than 1965 applying for BEOG grants when the SAT scores were at their peak.

Furthermore, the subject matter examinations of the college board show higher scores, not declining. In the Indiana follow up, after 25 years in which they repeated the standard achievement test to all the students that had been given it 25 years before, showed somewhat higher scores.

The public, in reacting to their perceived difficulties, does not look at the large picture of the U.S. effort to obtain universal literacy. The estimate of historians derived from the number of persons who then signed Xs to documents because they were illiterate is that about fifteen percent of Americans were literate in 1776. By 1918, when 2 million young men were drafted to serve in World War I, 35 percent were literate. That is, that proportion could read simple material like newspaper items. By World War II the proportion had increased to 55 percent. The last national assessment of educational reading, educational progress on reading, shows that over 80 percent of 17-year-olds are literate.

Heretofore, those who did not learn in school dropped out and found unskilled jobs. Now when young people drop out of school most of them are unemployed, because unskilled jobs in the United States have been reduced to less than five percent.

Most of the children having difficulty in learning come from homes where the parents have little or no education. Our schools are slowly working out better ways of teaching them, but the confusion lies in the fact that the public has now become aware that youth have not learned what the schools teach and the public thinks of them as typical of most youth today, and they are not.

Q In your experience, are you aware of other attempts to tie a high school diploma to performance on a test?

A In the depression the New York Regents inquiry into the character and cost of public education in New York State included, among other studies, an investigation of the effects of the then-mandated Regents' Examinations. In a 1936 report these findings are highlighted. Teaching and learning in New York focused on what is tested, to the neglect of other objectives, in the 51 cities and communities studied in New York State for that study.

Two, a large proportion of young people who made low scores in grade ten dropped out rather than be humiliated by failing in grade twelve. Three, many young people who passed the minimum grade ten considered that they would already be able to graduate and neglected their studies in grades eleven and twelve.

Q So in that experience the dropout rate increased?

A The dropout rate was higher then. When they stopped mandating the Regents' examinations, the dropout rate was lowered. But in the present recession the Regents have again instituted mandated examinations in New York State with the same probable effect.

Q Are there important differences, Dr. Tyler, between certification and credentialing types of tests, such as minimum competency tests and educational achievement tests?

A Minimal competency tests are usually treated as though they were designed to certify candidates for particular activities whose requirements can be estimated. Thus, tests to enable a candidate to obtain a driver's license in my state of California are based on a review of all the reported fatal accidents in the state. The test items are based on the sections of the Motor Vehicle Code that if followed would have helped to prevent fatal accidents and the skills which would have helped the driver to avoid these accidents.

A certification test has not only actual situations to guide test construction, there's also motivation to do well for then the applicant receives a reward. He or she is licensed to drive a car. There is no such clear and valued reward for those persons who have difficulty in passing minimum competency tests. There is no guarantee of a job if he or she passes it.

A diploma is not highly valued by most of those who come from homes where the parents have little education. Furthermore, most certifying tests require periodic renewal, as in the driver's tests in California. Unless an item of knowledge or a skill is frequently utilized it is likely to be forgotten.

The U.S. military service finds many inductees whose records indicate that they could read and pass reading tests in school but since leaving school have been in the home and work environments where little or no reading is done, and they have lost the ability to read. They require retraining in the military service.

The Marine Corps, for example, in San Diego has a whole school for retraining persons who could at one time read but they had had no stimulation to read until they got back into the military service. Standards are used by good teachers to stimulate and guide individual students.

Since in our schools students are varied in their backgrounds and abilities multiple standards are employed. Each child needs to work to reach a standard that requires putting forth effort to attain it but is reasonable within his or her power or reach if he tries hard. This means that if a teacher sets a standard in terms of the student's present attainment, requiring him or her to go further, but not a standard so difficult that the student won't try. This is clearly sensible.

To illustrate, in teaching children to make a high jump the standard to be reached by the child who now jumps three feet, six inches is perhaps three feet, nine inches. An appropriate standard to encourage further learning by a child who jumps four feet, seven inches will be four feet, ten inches. If each child is to be challenged and encouraged to learn, the standards in a typical classroom will be different for different children.

I was one of the site visitors for Frances Case's study of schools in the inner cities that were effective and without any other case happening we found that in all those classrooms where teachers were effective in the inner cities, where the most difficult teaching problems arose, the teachers set high standards for the kids but each one adjusted where the kid was and said, look, you can do that. That's only a little bit beyond what you did last week.

The institution of a single competency measure is appropriate for granting a credential but should not become a central practice of schools and teachers whose function is to increase student learning. A single standard would be too easy to stimulate the more advanced learners and will discourage those with great difficulty in learning.

Q Thank you. Some people say that minimum competency testing measures adult competence, life survival skills. What do you think of this line of reasoning?

A Well, during the depression when times were difficult the people who survived were those who had learned to live on nothing, with the river rats and so on. It's a mistake to think that what you learn in school is for survival. It's to help you become more civilized, to go beyond being a beast. Survival is possible. The under class survive in difficult times. The people who committed suicide during the depression were the middle class. They didn't know how to live with nothing.

So to talk about survival skills, that denigrates the whole notion of education, which is not to be at the level of people who are just barely surviving. But for our country to become more and more civilized, to go on that march of civilization has been our goal for thousands of years.

Q Thank you. You were involved in a study on minimum competency testing in Florida, I believe. Could you please tell us about that -- your involvement in it and what you found?

A This was a panel established by the National Education Association and the Florida Teaching Profession. Our panel held hearings in four different sections of the state in which parents, teachers, students and other citizens could present their views. We also studied the relevant documents and reports. Our findings were published in July of 1978.

In brief, we found, one, that there was a mismatch between what students were being taught and the content on which they were tested. There were a good many test items for which we could find nothing in the curriculum that was teaching that and, correspondingly, a great many things in the curriculum that were not tested.

The great emphasis given to reading and mathematics influenced teachers to focus three-fourths or more of teaching time on these subjects, to the serious neglect of science, social studies, literature, health and the arts.

Three, most of the lower scoring students were minority children. The press and many school authorities blamed these students for poor performance, a case, it seems to me, of blaming victims for their lack of educational achievement. This diverted public attention from the problem of helping children to learn who are now having difficulty.

Because the children are usually waiting for poor performance their remedial efforts were very faulty, just repeating and drilling on exercises that had been ineffective before.

Q Do you think that minimum competency testing should be used as the sole or primary determinant of a high school diploma or promotion?

A I do not. Professions -- for example, doctors, lawyers, and educators -- recognize that human beings are complex and their behavior is not always consistent. For this reason they seek confirming or contradictory evidence when decisions of importance are to be made. Doctors give additional tests. Lawyers seek several witnesses. And educators review the educational history of the child, as reported by parents, teachers and guidance officers.

Frequently they give more than one test. Since the initial use of objective tests, group tests in World War I, test manuals have clearly stated, and I quote, "The essence of many test manuals do not make an important individual decision based on the results of a single test."

The National Academy of Education issued a report in 1978 on minimum competency testing which emphasized that the methodology of group testing was not sufficiently precise to be the sole deteminer of important decisions about individuals. This past spring the press reported an unfortunate fiasco in the case of the College Board test in mathematics, an error of a single item which shifted the ratings of hundreds of candidates.

Appropriate tests can be very helpful when used as tools in teaching and learning. The results guide both teachers and students, but their indications are continuously verified or rejected as the students proceed with their learning.

In this situation no irrevocable decisions are involved and subsequent student performance can correct earlier false indications.

Q You were a member of that National Academy of Education task force on basic skills?

A Yes, sir.

Q Is that correct?

A That's correct.

Q Dr. Tyler, surely you don't object to upgrading quality standards in education. Why do you object to minimum competency testing which purports to upgrade quality and standards?

A I have been through, unfortunately or fortunately, in the sixty years a great many public outcries in which they talked about improvement, but they seem to believe that improvement can come from the top down rather than the bottom up. Recent demonstrations indicate clearly that the most effective procedure for improving education in the schools of the United States focuses on individual schools where the children are, the teachers are, and the parents are, because the home is a very important factor relating with the schools in childrens' learning.

Because of the wide variations in the backgrounds, interests, and abilities of children and in the family and community resources, no one set of problems or one set of solutions is common to all schools in the country, the state, or even the district. Hence, the function of the state and districts is to stimulate and assist the local school to identify its own real problems in achieving the objectives of public education, to focus its efforts on these particular problems, to develop a reasonable plan to attack them, to set high but attainable goals for improvement for the year, to appraise progress, and if goals are not being reached to do necessary trouble shooting to get a more effective system working.

Each year parents, children and interested community members are informed both of the progress and difficulties and are invited to help in continuing efforts to improve the schools. Only by focusing on real problems of the particular school can substantial improvements be expected.

Let me illustrate from my own experience. In 1968, right after the assassination of Martin Luther King, the parents in four elementary schools in the worst economic section of Detroit rebelled and went down to the Board of Education saying that they would burn down the schools if they didn't get their children to learn.

The superintendent asked me to come to work with the teachers in those four schools and to get them learning. We worked with the parents, mostly welfare mothers, the children and the teachers and by the end of three years the parents were so pleased because their children were doing well, as well as the children in the adjoining white district, that they gave, although they were living on welfare, they gave the teachers a big banquet in celebration for it.

If you work at the level where the parents are, the community is, the children are, and the teachers are, you can get improvement. But the idea that you can improve by having tests done in the state just doesn't work.

Q Dr. Tyler, this morning Dr. Scriven, in his testimony, several times said that minimum competency testing was the last hope of public education in the United States. Have you heard this before in your sixty years?

A The depression of 1909, when I was an elementary child, my father was a minister in the town in Nebraska, and we heard them saying the same thing then, only in that case it wasn't minimum competency. The last hope was some way to see that children are kept back. The idea was that they would stay in the first grade until they finally mastered it.

My grandfather, when he graduated from Amherst in

1856, came out to be the elementary school principal in Ft. Wayne, Indiana. The last three principals had been thrown out because the 16-year-old boys had gotten tired of being in the third reader. He found it very necessary first to get the boys in order by thrashing the boys and then to get them started on things they could read that were of interest to them

But the way you get things done is in discovering what the children or youth are like that you are working with and help them learn.

DR. MADAUS: Thank you very much.

HEARING OFFICER JORDAN: Cross?

CROSS EXAMINATION

BY DR. POPHAM:

Q Dr. Tyler, you are generally regarded as one of the most influential contributors to American school practice.

A That's what you say.

(Laughter.)

Q Certainly during the last half century, and I confess that throughout my own career in education I have used you as sort of a father figure, particularly in the early years, when I borrowed your ideas.

A Well, young people often rebel against father figures.

Q My attacks upon your position ought not to be interpreted as a form of Oedipal revenge. Nonetheless, I do want to raise some concerns about your satisfaction with the current state of affairs.

It seems to me you were suggesting that by and large things weren't all that bad. I wonder, given the fact that you are so heavily identified with the nature of educational practice today because of your substantial influence on it, wouldn't you be inclined to think it wasn't all that bad?

A I was saying that we haven't gone to the bow-wows, but I am certainly strong for improvement. And that's where I've been working in the various schools and colleges in the country to bring about improvement.

You remember the Saturday Evening Post article described me as an education's family doctor. The doctor doesn't go out to kill the patient, you know. He tries to help him get better. Sure, the schools can be improved, but they are still better than they were when I was a child.

Q You have described the adverse effects of testing programs in the '30s, and I realize that one of the advantages of advancing years is that you can view history in a panoramic fashion, but haven't things really changed, Dr. Tyler? That is, aren't we serving a different kind of student clientele? Aren't we asking --

A Those children back in the '30s didn't stay in school. When I was in the elementary school kids dropped out at age 12, the average, and got jobs working on the farm and elsewhere. There were only ten percent in high school and only three percent in college. Now there are 78 percent in the high school, of that age group, and 34 percent of the age group in college. So we are reaching many more. It is more difficult to reach children whose background has not been so fortunate in having the opportunities to learn earlier in the home.

Q And there are other differences. It seems to me people recently have contended that youngsters are not learning as well because television is too much of a distractor. I suspect that in your year the crystal radio was criticized.

A In my youth we didn't even have the radio, young man.

Q Tom-toms from village to village. I guess what I'm trying to get at is, don't you think the situation is changed and then, to some extent, therefore, aren't your observations, as interesting as they are regarding the '20s, and '30s and '40s, aren't they possibly not germane to the current situation?

A In my day the distraction from high school was the pool hall. Nowadays it is TV, although one of the

13-year-old girls that I met in the Detroit situation had become pregnant. I asked her how it happened. She said, I go home. Nobody is home. It gets boring watching television and making love is so much fun.

So there are certainly others. Certainly the biggest problem in this society of ours right now is the rapid erosion of the out-of-school activities, much more than the school. In 1960 only 26 percent of the mothers of school age children were in the labor force. Now 59 percent are.

There are more than fifty percent of the children who come home when nobody is there. In China or Russia they are doing something, but that's where we have to focus our attention rather than on minimum competency testing to get cooperation in the home.

Q Clearly the world is a different world. I would like to attack, if I might, the two reports that you cited. First, in the Florida report that you participated in, you indicated that it was commissioned by the National Education Association and the Florida Education Association. Those groups are on record, are they not, as opposing minimum competency testing?

A It may be, but we were quite free to make our own recommendations. They never once suggested what we should recommend.

Q As far as the National Academy of Education report to which you referred, is it not true that the first draft of that report was prepared by an avowed opponent of minimum competency testing, namely Arthur Wise, who preceded you as a witness?

A The first draft was prepared by Arthur Wise, that's true, but reviewed by all the members of our panel.

Q Thank you. You raise a concern about the diploma not being a reward. As I recall your assertion, it was because let's say the driver's license was a reward and the diploma was not a reward, it didn't carry anything very positive with it.

Aren't you familiar with a number of cases in court now where specifically there is being a legal attack on the education system because parents of failing youngsters want to have that apparently meaningless reward?

A Parents often wish for things for their children that the children don't appreciate. As a matter of fact, we find, in the Chicago Alliance for Business programs, that when you offer a job to a person, kids who have not been reading before will begin quickly to learn to read, because there is a reward.

The problem of motivating children who don't see reading around them, if you have ever been in a ghetto, reading is not very common. There isn't much reading material. The problem motivating them is difficult and a job would be an important reward. If you could say to every child who passed that you could get a job the change would be very great in the passing rate.

Q Then you are asserting that the high school diploma is, for many students, not a reward?

A That's right.

Q Are you opposed only to minimum competency testing programs in which a high school diploma is linked to the passage of the test?

A I am objecting to any program in which there is a single standard set. Only one test is given and it is used as saying you have achieved or not achieved as opposed to now we know where you are.

Q Don't the minimum competence tests constitute a necessary condition and that youngsters have to do other things as well?

A Well, usually it includes a lot of things that are not being taught in the schools. If you say a good test should sample where the child is supposed to have been and find out where he is and move on, that certainly is a necessary part of it.

But if Florida is any example, and in fact it's now being challenged by the courts. You may recall it has been sent back. They have to show that it really was relevant to what the children were taught.

Q Although I disagree with your views, I wish you another sixty years of forming them.

A Thank you.

HEARING OFFICER JORDAN: Thank you very much, Dr. Tyler.

We are going to recess now for fifteen minutes and would like to see you back in here when we reconvene at about 4:00.

(A brief recess was taken.)

HEARING OFFICER JORDAN: The hearing will resume.

The next witness, Dr. Gilbert Austin, Co-Director, Center for Educational Research, University of Maryland, College Park, Maryland.

Dr. Austin.

Dr. Austin's dean would be unhappy with College Park. He would prefer Baltimore County, Maryland. Let the record reflect that we are talking about Baltimore County, Maryland.

THE WITNESS: Different branches of the University.

TESTIMONY OF GILBERT AUSTIN

CO-DIRECTOR, CENTER FOR EDUCATIONAL RESEARCH

UNIVERSITY OF MARYLAND

BALTIMORE COUNTY, MARYLAND

DIRECT EXAMINATION

BY DR. MADAUS:

Q Dr. Austin, for the past five years you have been involved in research designed to identify the characteristics of effective schools, is that correct?

A Yes, it is.

Q Could you tell us what the term "effective schools" means?

A I think that you have to put it in a very careful context. Effective schools means schools performing better than you would expect them to once you take into account the intellectual level of the -- the ability of the children and the SES or socioeconomic background from which they come.

It is not just a school that is filled with the children of the affluent and the upper and middle class. It is school which are inner city, totally black schools which are doing markedly much better than you would have predicted on the data base on which you would have made those predictions.

Q And what are the criteria that you and others in this area have used to identify effective schools?

A There are essentially two models that are in wide use in terms of identifying exceptional schools or outlyer schools or whatever term you like to use. The first model is that of the expert judge and which is primarily made up of professional educators who have gotten together and on a set of criteria that is acceptable to them they have in fact said that schools X, Y, and Z perform differently than they would have expected them to.

The alternate model to that, that model was first developed and used very extensively by the U.S. Office of Education in the early 1970s with a series of contracts by the American Educational Research Institute, AIR, and published a series of booklets called the work serie, which identified exceptionally effective schools.

The alternate model is called the regression analysis model and it attempts to take into account those factors that Coleman and others have consistently identified as accounting for some of the major differences between schools. And you feed those into the progression analysis and you predict how well you think a school would do and then you look at how well it actually did and the difference is called residual.

And you collect the residuals and put them on a continuum and choose from the extremes.

Q So the outlyers are the schools that are effective at one end of the continuum?

A Either end -- a particularly effective school or a particularly ineffective school.

Q Right. Now have you in your research and the research that I know you have reviewed recently, have we been able to locate effective schools?

A Yes. We in the State of Maryland have been able to locate effective schools at both ends of the continuum. We worked pretty much in isolation for the two or three years we were actively doing the study and then we published the results of that study and we were very surprised to find that a large number of other people, large in educational research interactions at least, five or six other states had done research very similar to ours using different orientations.

And yet the characteristics of the schools they identified as exceptional were surprisingly similar across different methodologies.

Q And what were the characteristics of these effective schools?

A I think someone made the point, maybe it was Art Wise this afternoon, or perhaps Dr. Tyler, who said that the really crucial thing about education is the local school itself. The actual school itself, the teachers, principal and children and the parents work and learn and live.

If you look at schools that are particularly effective on the very positive side of that issue what you find is that the schools somehow or other, and I will describe in some cases how, has identified for itself its own image and that image about itself is very positive. It really feels good about itself.

It feels that it is in charge of its own destiny. It feels that it has created a very positive self-image about itself, its children, its parents, its physical plant and the plant can be old or new, it doesn't make any difference. It does seem to be concerned with being in control of its destiny. It does seem to be concerned with ideas like the school is being run as opposed to running.

It seems to be concerned with ideas like schools have a purpose as opposed to being purposeless. Now a purposeless school wouldn't mean that it wasn't working hard. It just hasn't coalesced around a particular way of doing it in this particular school.

Q What did you find to be the characteristics of principals in these effective schools?

A The major characteristic of principals is that they have very high expectations for themselves, their teachers, parents, the aides, custodians, anyone who works in their school. These are not high expectations given or presented in a negative context. They are always in a positive context. I know you can do better. I was really pleased with the lesson I saw you do last week. That general thrust is the most important one.

I guess the next most important one would be that the person has tended to come up through the ranks and my study was essentially at the elementary school. They've come up through the ranks as elementary school teachers themselves, and have identified a particular area of competence, such as reading or mathematics.

In contrast to that, at least in Maryland, some of the schools that were at the other end of the residual continuum had surprisingly high numbers of ex-secondary coaches in them who were principals. How they got there I don't know. But it's an interesting observation, it seems to me.

Q What about the characteristics of the teachers in the schools?

A The characteristics of the teachers are, I think, reasonably similar to that of the principal. They have high expectations of their children. They have a kind of belief that the school can in fact be successful at teaching these children. The teachers, like the principals, I think, adopt one of two roles and the dichotomy is false but it is useful. That is the difference between being an instructional leader and an administrative leader.

High residual schools are very successful and tend to have people who have opted for instructional leadership roles rather than administrative leadership roles. For instance, in terms of principals we find that they spend surprisingly large amounts of time actively teaching in the classroom itself and visiting classrooms, as opposed to spending a lot of time in their office. They tend to be good leaders in the sense that they have trained their secretaries to count the milk money and those sorts of things so they can get out amongst the children.

Those are common characteristics of both teachers and principals.

Q What about the characteristics of parents in these schools?

A I don't know of any study of any school that is imminently successful unless the parents have been deeply involved. Coleman taught us that in his original studies and I know of nothing that will refute it. What was said both this morning and this afternoon confirms that hypothesis.

Somehow or other, these really great schools deeply and meaningfully involve parents in them. Without it nothing much happens.

Q And what about, lastly, the characteristics of the students in these schools?

A Well, the characteristic of the students is that there is a new, "in" word that people have been using lately and it's called "mediating structures." I heard it first by -- I have forgotten his name -- from Massachusetts. But in any case it means that what children think about themselves is primarily the result of what adults say about them.

The adults observe a situation and they mediate it and they think about it and they tell the children what it means and the children believe what they tell them. Therefore, when somebody tells children consistently that they are good and useful and worthwhile and that they are succeeding in school, that's what they begin to believe. If they tell them they are constant failures and disasters, that's what they believe.

Therefore, for instance in Maryland, as early as grade three, age eight, if you ask the children, as we did in our study, does how well you do in school depend more upon hard work or luck, the children in the high residual schools consistently, differentially answered that question, saying it depended upon hard work.

And in an 8-year-old child who believes in terms of the famous Coleman question controlling your destiny, as early as eight years of age he is in charge of their destiny and it is not up to the rest of the world to blame or to lay accolades at the feet of.

Q Dr. Austin, in these effective schools do students have to meet standards or are they just pushed along and socially promoted?

A The schools, these really good schools, tend to have very high standards in the form of very positive expectations. But they tend to be standards that the school itself has created, that the parents have created, that the administration has created, that everyone getting together to create it has in fact put it together.

For instance, let me give you an example in terms of in-service education. In-service education in really effective schools comes about almost always as a result of the teachers and principals getting together and identifying an area of needed help and then sending downtown to the central administration asking for some help in this specific area. It's not just the result of an outside force imposing a measure like minimum competency testing or an in-service day that we are going to learn about reading this Wednesday afternoon..

Q Did you find in your research on effective schools that these schools use minimum competency testing as the sole or primary determinant for promotion? You are dealing with elementary schools so let's stick with promotion. Or are they making other critical decisions about students?

A Number one, the answer is no. They are self-determined. But I would like to really share two important insights, one relatively ancient and one recent.

When we did the study in Maryland one of the finest schools in the State of Maryland which was originally selected for our study was dropped from the study half-way through because I found that the principal was in fact giving the test to his teachers and having them teach to it. The tragedy of that study was that when we retested those children with a different form of the test that they really were as good as the principal believed they were, but because of the enormous outside pressure being brought upon him or he personally perceiving it, he in fact yielded to that pressure and blew the whole thing, when in fact he was very successful.

The other one happened just the other night in a statistics class I was teaching in which they were writing papers for me and I had the very unusual pleasure, I guess, of sitting there listening to home economics teachers tell me that for most of that day they had been defending their turf in terms of home economics, in terms of some of the various competency tests which are being generated in Maryland as to whether or not home economics teachers weren't doing something important that those tests were measuring. So that they in fact might make sure that they were not going to get selected as those that were dispensible within the system.

Q Dr. Austin, do you think that we should use minimum competence tests for graduation, promotion, or placement? Do you think that if we did that -- let me rephrase the question -- that we would make these effective schools even more effective?

A I think we would potentially make them much less effective.

Q Why do you say that?

A Because our research suggests that it is in fact a local phenomenon. It is a principal, a group of teachers getting together and saying this is the way we do it here. There is no magic in the way they do it, whether you use Ginn or Peterson or whatever. That's not the magic.

The magic is saying that in this school this is the way we do it and we agree this is the way we do it. We like phonics here and phonics works for us. Or we like look-say, and that works for us. It's effective and good and we are happy with it.

Q Dr. Austin, you heard Dr. Scriven say this morning that minimum competency testing was the last great hope for public education. Have you ever heard that before?

A I've heard it a number of times. I heard Arthur Jenson say it in his opening piece in terms of intelligence, in terms of compensatory education that has been tried and failed. And the real answer to that question is that it had only begun to be tried and it hasn't failed. The best and latest research, as a number of people have suggested here today is that the test scores are in fact rising up through the fifth grade and they are probably rising because we are paying serious attention to trying to educate children who have not easily and well succeeded in school previously.

Bloom, in a book or article called "The Age of Innocence" a number of years ago, said that we already know a lot more about how to successfully teach children than we are presently using. The best research says that teachers are crucially important. If we really want to do something about inner city children who don't learn easily and well, we take the very best and most competent teachers in the system and put them in contact with those children.

DR. MADAUS: Thank you, Dr. Austin. Dr. Popham?

CROSS EXAMINATION

BY DR. POPHAM:

Q Dr. Austin, we agree with much that you have said about the importance of education. Are you currently taking the position that the caliber of education in this country for minorities and others is adequate?

A I have just finished a book reviewing in ten subject areas the rise and fall of test scores over the last fifty years. That evidence suggests, as the previous gentleman said, that in fact the test scores are rising. They are not in fact declining. If you look at the number of children that are in school and make comparisons based on age adjustments children are in fact performing better in reading skills these days than they did X number of years ago.

Q So you are talking about average performance and we are focusing, I suspect, on those at the lower end of the scale continuum. In response to the earlier question, do you think the level of education, particularly for minority youngsters and others, is satisfactory in this country?

A No, I do not.

Q Thank you. You have indicated that certain programs, such as Title 1, Headstart follow-through, have been positive forces in improving the caliber of education, is that correct?

A That's true.

Q And yet earlier witnesses for the Con Team suggested that this might be akin to scientific management. Are you in fact in favor of state and federal intervention programs similar to those like Title 1, Headstart and follow-through?

A Yes, I am.

Q You have learned a great deal about the characteristics of effective schools. You haven't learned all of those significant characteristics of effective schools.

A Nobody has.

Q Is it not, then, possible that in the future we might discover minimum competency testing programs of high quality were in fact a characteristic of effective schools? Possible?

A Anything is possible.

DR. POPHAM: Thank you.

HEARING OFFICER JORDAN: Thank you very much.

Our next witness, Dr. Richard Wallace, Superintendent, Pittsburgh, Pennsylvania.

TESTIMONY OF RICHARD WALLACE
SUPERINTENDENT, PITTSBURGH PUBLIC SCHOOLS
PITTSBURGH, PENNSYLVANIA

DIRECT EXAMINATION

BY DR. MADAUS:

Q Dr. Wallace, before going to Pittsburgh as superintendent were you superintendent somewhere else?

A Yes. I was Superintendent of Schools in Fitchburg, Massachusetts.

Q What kind of community is Fitchburg?

A Fitchburg is a declining industrial city in the Northeast typical of many declining cities, a city of approximately 40,000 people. Fifty percent of our adult population in the city had less than a high school diploma. Fifty percent of the youngsters attending school were on free lunches, which is an indication of the poverty level of the city.

Q And what kind of district is Pittsburgh?

A Pittsburgh is a large industrial community, population of about 400,000. We have 47,000 students in the schools, approximately 51 percent black, and about 70 percent of the students are on free lunch, which is an indicator of the poverty level.

Q Now, in both districts you introduced new programs to increase student skills. What were the characteristics of these programs? Could you describe them for the audience?

A If I could, right behind you is a listing of the type of achievement monitoring systems that I used extensively in Fitchburg, Massachusetts and have introduced in Pittsburgh in the past ten months.

Essentially we have five characteristics. The first one, perhaps the most important, is agreement upon what is expected of students in the basic skills area at each grade level in the system.

We asked the teachers to identify the twenty most important learning outcomes in math, and reading, and writing for their grade level, and we limit that to 20 because we think that they can manage 20 learning outcomes a year effectively.

We communicate those skill expectations to the parents, to the community at large, and indeed the teachers and the administrators are fully aware of what is expected of students in terms of learning outcomes.

Secondly, we ask teachers to spend 50 to 60 percent of their instructional time zeroed in on those key learning outcomes that they have identified. They know that this is not the entire curriculum, but they know that it constitutes a substantial portion of what it is that youngsters should be expected to learn.

We provide feedback to students, to parents, to teachers every sixth instructional week; that is, we give tests to students. We have teachers develop the tests. We have one item per objective. We provide this feedback and ask the teachers to use the data to make decisions about the instructional progress of youngsters, to use the information to report the progress to parents, and indeed to make decisions on a schoolwide basis as to how youngsters ought to be instructed more effectively.

We tie instructional materials specifically to the objectives; that is, we ask teachers to identify materials in their classroom or materials we can purchase for them that key in on those key learning outcomes that they have identified and believe are most important.

I should hasten to add we are not talking about minimal competencies. We are talking about what one would expect of the average student at any grade level in the school system during the course of the year.

And finally, there is a great emphasis on staff development as it relates to achievement monitoring with specific reference to training teachers to use data to make instructional decisions about students so that they can plan appropriate instruction, group students across grade levels if need be, across classrooms and so forth. Particularly in the area of writing a great deal of emphasis has to be placed on training teachers to write themselves in order that they can effectively instruct students to write.

These are the essential characteristics of MAP or Monitoring Achievement in Pittsburgh or SAM, a Skills Achievement Monitoring as it was called in Fitchburg.

Q Now, I understand that you do use tests in this program. You do use tests, is that correct?

A We use our own tests, yes.

Q In what way do you use them?

A Again, as I mentioned, we test students on each of these skill expectations every sixth instructional week. On each testing occasion these students are tested on each objective for the year irrespective of whether they have had instruction in those objectives or not.

We do that for two reasons: one, to communicate to the students and through the printout we send home to the parents what we expect the student to learn during the course of an academic year. Also we found that it is an exceedingly potent motivating device from one testing occasion to another for students to monitor their own progress toward the attainment of the skills that are expected of them.

Q Do you use other data in making decisions, instructional decisions about students and reporting to parents?

A Yes. We take the notion that a test of any type is an imperfect measure. We ask teachers in making instructional decisions about youngsters to use the test data from MAP or SAM as one and only one indicator of the student's ability to perform.

Clearly, teachers are able to observe youngsters' performance in their regular classroom in oral settings. They give their own weekly tests. They have many opportunities to observe a youngster. And we say to them if the MAP or the SAM results do not confirm their judgment, to ignore the test results and use their own judgment. We trust their judgment more than any test result.

Q So you don't use a test as the sole or primary determinant of placement for a student, or promotion, or graduation in your program?

A Absolutely not.

Q Why not?

A Again, a test is an imperfect measure. It is only one data point of many data points. With regard to what we know about students, and we trust our teachers to make judgments about the students, their achievement, their performance and whether or not they should progress.

Q A little ways back you mentioned something that you called multiple imperfect measures. Now, that came up this morning in cross examining Dr. Scriven.

What do you as a public school superintendent mean by multiple imperfect measures?

A From my point of view a test is an inference about a student's ability to perform, and I am not comfortable in making decisions about a youngster's achievement or his progress on the basis of an inference, a single inference based on a test result. I think we need to look at a broad array of information that we have about a youngster and make a decision in a total context.

Q And you think the teachers are the ones who should make these decisions as the professionals?

A Unquestionably.

Q What evidence do you have that your program has worked both in Fitchburg and in Pittsburgh?

A As yet I don't have any evidence in Pittsburgh because I've only been there 10 months. In the seven years in which I was in Fitchburg, when I arrived in 1973 students, the average score, about 40 percent of the students were scoring at or above grade level in math. When

I left in 1980, 92 percent of the students in the district were scoring at or above grade level, and the range was from 85 to 95 percent. In that period of time the mean percentile score in reading had gone from the 35th percetile to the 72nd percentile.

Q And this is a working class, relatively poor district you're talking about?

A That's right.

Q So there are other hopes for our public education other than a minimum competency test?

A Unquestionably.

DR. MADAUS: Thank you.

HEARING OFFICER JORDAN: Thank you.

CROSS EXAMINATION

BY DR. POPHAM:

Q Dr. Wallace, I know it is early in your tour of duty in Pittsburgh, but are you satisfied with the quality of basic skills mastery on the part of Pittsburgh students?

A No.

Q It was mentioned that a minimum competency test ought not to be a primary or sole determinant for graduation. What kinds of determinants for graduation exist currently in Pittsburgh? What does a youngster have to do in Pittsburgh to get out of there with a diploma?

A There is a basic skills assessment test administered in the 11th grade. If a youngster fails to pass that test, then he is routed into a course in his senior year; and if the student passes that course and meets all other criteria, he can graduate.

I don't agree with that policy, by the way.

Q Was that enacted by the Board of Education?

A It was enacted by a previous administration and the Board.

Q By the Board and the citizens in a sense wanting the students to demonstrate proficiency?

A I can't answer that question. I wasn't there.

Q What I'm trying to get at is if a minimum competency testing program is established where youngsters have to pass the test in order to receive a diploma, characteristically they must do many other things as well, mustn't they?

They have to attend school a certain amount of time, take courses, pass those courses, build up required credits, isn't that so generally?

A That is true. I don't agree with the concept of a minimal competency test. I am much more oriented toward achievement monitoring beginning in kindergarten, and providing students with feedback throughout the entire course of their academic career as a way of making judgments as to whether or not they are competent.

Q There is a certain perjorative connotation associated with minima. People do not like minimum skills. You have described a rather excellent program. If one were to take those skills that you had focused on in that program and simply made them worthwhile skills and then called that a minimum competency testing program and obliged youngsters to pass it, would you be opposed to that?

A How would the data be used?

Q Much in the same way you use them now, except at the tail end students would have to demonstrate that they could read, write and compute these worthwhile skills.

A If it was a single criterion to make a judgment, my answer would be no.

Q But it is not a single criterion for there are other things: teachers' judgments regarding grades, students' passage of many courses. There are other things going on.

A I think as one data point, again not a single administration, but if youngsters were provided feedback from the time they entered grade one as to how they were progressing toward the attainment of skills and were given public notice, if you will, if they were deficient in the skills, then I think you are describing an achievement monitoring system which I think is quite different from minimal competency testing.

Q You heard a program, if you were present this morning, described in South Carolina.

A I'm sorry. I was not present this morning.

Q Very well. The program in South Carolina is remarkably similar to the one you just sketched where there are early data points, mastery of student skills are assessed, and the people in South Carolina don't really conceive of their minimal competency testing program as focusing exclusively on minima.

If that program incorporated the many fine features you have described, wouldn't you find something praiseworthy about that program?

A I honestly can't respond because I didn't hear the presentation, and without knowing the details of the program, I think it is inappropriate for me to answer that question.

Q I guess what I'm trying to get at, Mr. Wallace, is you clearly are on to some important instructional principles in your city, and we wish you well. I do not see anything that you have described which is intrinsically incompatible with the well-conceptualized minimum comptency testing program. Not a bad one, not a rotten one, but one that is proper. Do you?

A I am unalterably opposed to the imposition of a single instrument as a criterion for judging competence, and from my point of view that's what minimal competency testing represents.

Q In other words, you are unalterably opposed to a single instrument which would be administered many times if the student failed just because the student, I suppose, would perform in other areas that teachers could just better?

A Let me respond in a different way. I believe that what I have described here is a total instructional system in which testing is an integral part of that system, and everything that I have heard and read about minimal competency testing does not communicate to me it is an instructional system, and therefore I am opposed to it.

Q If you found a program such as the one in South Carolina which by legislative statute focuses on the improvement of instruction, and conceded that you don't know all about that program, but if you found such a program would you find it somewhat more palatable?

A I might, and I can describe a program that has just been initiated this fall in Massachusetts called the Basic Skills Improvement Program. The Commonwealth of Massachusetts was about to embark on a minimal competency program. My colleagues and I were able, I think, hopefully over a period of time to persuade the commissioner and the Board of Education to take another view and to look at what we call achievement monitoring.

The net effect was the implementation of a basic skills improvement program which has a very different connotation than a minimum competency testing program as I know them.

Q The connotation might be that students who don't do well are given additional instruction as an effort to get most students up to mastery?

A No. The connotation is that the expectations are laid out for students early in the game. They are given feedback at critical junctures during their educational experience, and they are given, if you will, 12 years to demonstrate their competence.

Q Last question. If the citizens in the particular community, Pittsburgh, for example, are incredulous regarding the quality of the public school effort, do you believe that they have the right to demand the imposition of a minimum competency test?

A You used the word "incredulous."

Q They doubt that student skills in reading, writing, and mathematics are as good as they should be. You believe in that situation that they would have the right to demand the imposition of a minimum competency testing program?

A No, because I think we have alternatives that will work better and can demonstrate results.

DR. POPHAM: Thank you.

REDIRECT EXAMINATION

BY DR. MADAUS:

Q Just one followup question. The Massachusetts program that you referred to, for the record Massachusetts doesn't use a state test or the local option test or a commercial test by itself to make important decisions about classification, promotion or diplomas, is that correct?

A That is correct.

DR. MADAUS: Thank you.

HEARING OFFICER JORDAN: Thank you, Doctor.

Deborah Meiers, Principal, Central Park East School, City Schools of New York.

TESTIMONY OF DEBORAH MEIERS
PRINCIPAL, CENTRAL PARK EAST SCHOOL
CITY SCHOOLS OF NEW YORK

DIRECT EXAMINATION

BY MS. PULLIN:

Q Ms. Meiers, would you please describe briefly for us your professional background and experience in the field of education?

A Well, I became a school teacher in 1964 in Chicago, and I taught young children, kindergarten, Head Start, early grades from 1964 for about eight years, and during that period I also got involved in teacher training and did teacher training in Philadelphia and New York City.

In 1974 I started with Central Park East School in District 4 of Manhattan, which is East Harlem, and I have been at that job ever since 1974. In addition, I have been continuously involved in teacher education on the university and local level, and I was a member of the School Board in New York City in one of the 32 decentralized districts.

Q I believe that it has been reported that your school is widely recognized as one of the most outstanding elementary schools in New York City. Could you please describe for us the kinds of recognition that your school has received? And I realize you are somewhat shy about this, but I think it's important for the people to know.

A You know, we actually spent the first five years trying to avoid any recognition because we were feeling that people would find out we were breaking some rules, but we finally felt safe enough, and in the last few years there have been stories written in the New York Post citing the school as one of the four best schools that worked best in New York. New York Magazine cited it as one of the 12 best schools in New York, Parent Magazine as one of the 6 best schools; the New York Teacher, the union's newspaper, ran a centerfold spread on the school.

Last fall I received, and I think mostly in behalf of the whole school, an award from the fund from the City of

New York for outstanding achievement in the field of education. But I think what is most important to us is the attitude of parents in their choosing to send their children to us and the kind of word-of-mouth feedback that the school has gotten through parents.

The number of people who wanted to send their children to our school, both in East Harlem and throughout the city, has been so great that we agreed to open a second school this fall; and despite a rapid expansion of that second location, the second school, we have had to turn down hundreds of children who I wish we could have provided space for next fall.

This was largely, I would say most of it comes by word-of-mouth from parents to their friends and relatives around the city of New York.

Q Could you tell us what kind of student population you have in your school?

A It is a fairly representative, I guess, of Manhattan or New York City. About 75 to 80 percent of the children are on the free lunch program. Fifty percent of the children are black, 25 percent Hispanic, and about 25 percent white. About 15 percent of our children qualify for receiving special education services for one sort or another of learning handicaps. And incidentally, about a third of the children I would estimate on the basis of our calculations are children -- parents who sent their children to us after taking them out of either parochial or private schools in New York City to come to a public school.

Q I see. From your experience as a teacher and as a principal of an urban elementary school, what would you say are the main ingredients for building a strong elementary educational program?

A I was just thinking of the remarks that one of the gentlemen today said that we think we're special, because I think that is the largest quality of it, that parents, the children and the staff at our school think that we are the greatest. And I think they're right, and I think it's probably that the focus has been on an incredible staff, and the sense of the staff of its own development and its own autonomy.

There are teachers who I think are imbued with the feeling that children desire and have the ability to make sense of things. They have a lot of knowledge of curriculum and children, and they know how to make a match between that, and I think that's because they have that same attitude toward themselves, and that is an attitude that I think the school fosters -- an enormous respect for the fact that teachers in order to teach children, in order to be good role models for children, in order to make sense of a learning situation have to be treated with respect themselves, have to be decisionmakers, have to be people who have some power over the environment of the classroom and the school.

They have to be willing to share information and that sense of mutual trust between the staff, and myself, and the children, and the parents I think enables children to concentrate on using the school as a learning environment.

Q Do you feel that parents play an important role in making your school a success?

A The question of having some choice in the school I think is an aspect of it, which means the power to remove their kids which doesn't happen often, but I think that feeling of power is important; the fact that we share information very widely, we use a lot of different ways of helping parents know what we are doing at school, and getting feedback from them, and ways in which we have worked a great deal in finding a common language in which we can describe what we see children doing in terms that make common sense to parents also, and which they can try out at home and see whether they are getting the same information we are getting.

Q I note that in your description of the factors that are important in making your school a success you don't say anything about competency testing or any other form of testing. Why do you not mention testing as a factor in making your school a success?

A I tell you, this is a long history and I'll have to collapse it very much. But the fact of the matter is that in 20 years of watching schools and having my own children go through schools, the one thing I found out is the least useful piece of information, and if not totally useless, but the least useful piece of information I have is the score a child receives on a multiple choice test.

It seems to me no matter how they break down the score -- and we get now in New York forms that are broken down, printouts broken down in six billion complicated ways with stars and marks and so forth -- no matter how they produce that, I find it an enormously misleading thing. The notion that I can even find out so-called as simple as whether a child knows how to read on the basis of that kind of test, I have found out simply through working with children, going over tests with them in the course of my years, that it is a very poor piece of evidence as to how a child performs.

Q Wouldn't you say, though, that tests reflected the sorts of things that teachers need to know, particularly when you are talking about something like learning to read?

A The fact is that there's nothing you can find out on a test that I couldn't find out or anyone who is qualified to work in a room with children shouldn't be able to find out in 15 or 20 minutes. Now, you need a lot more than 15 to 20 minutes to find out what you need to know to help a child, but you know as much as that test could possibly tell you and I think probably more in 15 to 20 minutes, and trying to teach that child to read. It's in the process of teaching a child to read that I can assess whether that child knows how to read, what they know and what they don't know; and I'm not stuck then with a lot of information.

If I want to make use of child's test score as someone relatively sophisticated about reading and testing, if I see a big discrepancy I find it intriguing and interesting; and in that respect a very good teacher can make some use of test information. But what I have to do is go back and sit down with that child and go over the actual test. It's intriguing then, as I learned to do many years ago, and I have written about it, to see why the child made that mistake. And it is the reasons for a child getting right and wrong answers that are important, not the number of right answers.

I would just like to give you an example of some of the kinds of items on a test. I am supposed to be able to find out on this item from a test often used in New York City on word knowledge -- and I'm not exactly clear, by the way, what I'm supposed to find out about this, but it's called a word knowledge of vocabulary section of this test.

It reads, "To enjoy is to jump, walk, run or like." Now, I know children who can read that to me very clearly. They can read, "To enjoy is to jump, walk, run or like." They know clearly the meaning of all those words. It is not possible, I have not met a seven or eight-year old who doesn't know the meaning of all those words. Nevertheless, we know a large number of children get that one wrong, and they get it wrong I find out when I talk to them because they misunderstood the direction of the test. They were answering as a sentence completion test, and they thought to enjoy is to jump, to enjoy is to run -- that sounds pretty good. They were answering a different set of questions than the person who designed the test had in mind.

Or "A puzzle is a wonder, a story, a mystery or a worry." I can think of lots of different reasons why children would select different ones of these questions.

Q Are you saying that a test score or a test report might give you misleading information?

A A child who got those wrong knows the meaning of all those words, can use them all adequately and can read them all. And I have numerous children whom I have sat down with, and they can read the entire test and get a large number of the items wrong, and there are other children whom I can read the test to and will get the items wrong.

What we are measuring is a great many different factors, but it's only by sitting down with that child that I can find out what I am measuring. And any teacher who doesn't do that I think should not be teaching that child to read in any case.

Q Well, we have heard so much today, though, about how parents are demanding test information, how they feel that they need to have that information so that they can know whether the schools are being successful. Surely you have had parents come to you and make the same kinds of demands.

How have you responded to them?

A By a lot of parent education. I think parents are inundated with a great deal of anxiety about their children's progress for very good reasons, and they need information they can understand.

Now, we have tended to lead parents and teachers, and I think as professionals and press, and the professionals deserve a lot of discredit for this, to believe that if we come up with information in numbers and statistics and very complicated mumbo-jumbo that it is somehow more real than the real act.

So I have parents who have in the early years who sat with me, and we read with the child together, and they told me what their child was reading at home, who would say but what is his real reading like? And I'd say what do you mean his real reading? That was him really reading. I know, but you know, his reading score.

Now, it is something to me frightening and terrifying that human beings in contact with their own child should believe that a reading score is the real reading and that the child who talks with them about books is not the real child. It's like taking a marriage test to find out if you're happily married and not to have any other source of information about yourself.

And I think testing has taken away from children, teachers and parents a sense that they can use their common sense judgment to make an assessment of something I think is common sense as to whether a child knows how to read. And I think we've had to do a lot of re-education of parents and with children.

I have children who say that, what's my real reading, and I say before you took that test you should know who well you are reading, not after you took that test. That is not the way you should know whether you know how to read or not.

That's with children before they go into the testing situation, with them and with their parents how well they know how to read, and the test then can provide some other additional things such as -- in such a sophisticated environment.

Q Let me try another alternative on you. The people this morning talked about the importance of using test information to determine whether or not students ought to be promoted from grade to grade. How do you feel about that one?

A You are touching on a very sore subject, because New York City has just embarked upon the use of a test to determine whether children may be promoted from the fourth grade to the seventh grade, and I think it is very much --

Q From the fourth grade to fifth grade?

A Yes. And then from seventh to eighth. And for all the reasons I have described before, clearly it is a very strange way to make such a decision, since it does not help me know whether a child knows how to read. And second of all, I think it's going to lead us in New York and already has started leading us into doing a lot of very strange practices in the schools.

But let me just tell you one thing about our school. There were four children in our fourth grade this year who fell below that, one year below grade level on a norm-reference test, and I think it's supposed to be about the 35th percentile or something like that.

There were four children and of those children I'm supposed to automatically hold all of them back. The notion that the teacher and I and the parent and even my superintendent do not have the power to make that decision but that the chancellor is going to make it for 27,000 children. We can appeal, but I don't know what we could appeal, and almost none of the appeals have been heard. But those four children are supposed to be held over.

Q On the basis of a test?

A Yes. Of those four children two are children we had already informed the parents that we felt that they would do well to spend another year in elementary school. There were two of those children whom we felt we had ample and clear objective evidence were reading easily on grade level, and there were two children, incidentally, who scored on grade level and were even a little above grade level who in my opinion we can amply demonstrate do not work academically successfully, and their parents agree, and they will be held over.

So it so happens accidentally that we're going to be holding over four children, but only two of them are the same as the ones that showed up on the test.

Q So you meet your quota of four, but it may not be the right four.

A That's a sheer accident.

Q You indicated earlier that you felt some strange things were now going on in the schools in your city as a result of that test. What kind?

A Acceleration is something that has been going on for a long time, and that is the degree of coaching. I want to make it clear that I think coaching has a wide variety from fairly benign coaching to something that I really think is just plain cheating. And I think that we span the whole arena in New York, as I suspect most places around the country.

But starting about six months before the reading test -- to some extent, by the way, I think all of our curriculum in New York and most cities had been distorted. It is as though now we have to justify reading by reference to its effect on test scores rather than test scores by their effect on reading.

I was reading an article the other day about why we should have a program for teaching the classics to children in school, and it said it's a very good motivator for getting children to do well in tests. And I thought wait a minute, wait a minute. The classics were classic because we're supposed to motivate children to want to read them for their own sake, not because they help improve test scores.

But I think for some time we have accentuated as though reading were the same as reading test scores, and I think as a result children's practice of reading in schools more closely resembles the practice of taking a reading test; that is, the normal everyday experience of reading in schools begins to look like testing.

In the course of reading in a reading class they read dozens of little paragraphs which they're then supposed to answer questions about. They are more and more designed to look exactly like the tests that they're going to take in the spring; you know, what is the main idea and so forth, as though in most of these there is any idea whatsoever in the kind of material children are spending most of their time reading.

We have left the content out of reading for teaching them the tricks of testing, and there are indeed some tricks in testing; and I think it is worth teaching chidren as long as they're going to take tests some testing tricks.

But the more specific information I have available to me as a principal about the nature of that test, the more specific my coaching becomes, and the more, in my opinion, it begins to look like cheating. And I think in the last few years -- I don't think I am any worse than anybody else, but it's hard for me not to be influenced by finding out what the exact test is like. So there are lots of books like this put out and materials like this mimeographed by corporations, you know, to sell to the public; and I buy only those that happen to be tested.

A few years ago we used to test word meaning in New York by opposites, synonyms and opposites. We don't do that in New York any more, so the books I have of the sort that teach opposites and synonyms I don't use any more. I use the one on homonyms because that's lately part of the New York system.

So the work that I do would be called coaching, and we do a minimum amount in our school, but I think in some schools much more. It begins more and more difficult to differentiate from what I would call cheating.

MS. PULLIN: Thank you very much for your testimony.

CROSS EXAMINATION

BY DR. POPHAM:

Q You apparently are operating a very successful school in New York City. In your school students do well on the tests that are used in the city schools?

A When parents ask me that when they come to visit the school, I refuse to tell them. I say if that's the way you're going to make the decision about coming to our school, you are in the wrong place.

Q I have no children in your school.

A Yes, we do well.

Q And they do well?

A Yes.

Q Isn't this one index of the success of your school?

A No. In my opinion, no. I have no way of knowing whether those particular children might do well in another setting. I don't have a control group. I have absolutely -- I do not take credit for getting higher results. I don't think that's a criterion.

Q Do you think others than you might consider this an index of your school's success?

A There may be some who do.

Q Let's turn to the other schools in New York City. Do you believe that students who lack basic skills are frequently promoted or graduated in New York City schools?

A I think that they sometimes are and they sometimes will be under a minimal competency literacy, since I think that competencies in most of the tests I know about it are at inadequate educational levels to start with.

Q How many tests do you know about?

A I'll tell you one thing I can guess. Ninety-seven percent of the students I have referred to this morning, if they are passing that test I would suspect unless there's been a miracle in the last two years in Virginia, that we are talking about relatively minimal skills.

I think most of the students in our school that I have taught had minimal skills. They knew how to read. The problem that they were having and that I feel seriously about is not that they did not know how to read, but the enormous absence of subject matter and content understanding that they have, the enormous absence of intellectual content in our schools; and I don't think a testing rage in this country focusing on minimum skills is going to help that kind of competence the students have to handle ideas, to make decisions, to handle judgments. And I think that you are selling our children short.

Q It is inconceivable to you that a competency test could deal with such matters?

A It is.

Q Why is that?

A I do not think those are matters susceptible to multiple choice, paper and pencil group administered tests.

Q Making evaluative judgments, analyses?

A I don't.

Q Comprehension applications?

A No.

Q Professor Blum has created a book which offers ample implications of those kinds of items.

A I have taken tests a large part of my life, and I have seen people utilizing intelligence and judgment, and I don't think that the two things go well together.

Q If it were true that citizens of New York City really had some doubts, not about your school because it is very successful apparently, but about some of the other schools, would you not think it appropriate for them to ask that students show some level of skill on tests?

A I would think it foolish of them to ask for it that way. I would think that is not the demand they should make. And as a parent who worked very hard in my children's school, that is not the demand I made, and I thought their schools were often very inadequate.

Q You have shown us a little booklet about getting the main ideas. You are surely not opposed to having students read a passage and give its main idea, are you?

A If there is an idea in there anywhere.

Q Well, I am getting the main idea that you are not exactly protesting. Would that be a fair characterization?

A I am protesting to find out some things tests can find out. For example, if we want to get some information by testing you simply mean a structured observation of some sort of another, I think that a lot of information in this country we ought to get about what our children can or cannot do, and that we have surprising little of it, and with good testing in this country probably now done by testing a reasonable child on a sampling basis, we could provide ourselves with some data that would really be useful to teachers, useful for parents, and useful for administrators.

I think if by test you mean a structured observation that we need to help teachers and parents learn how to engage in structured observations of their children in such a way that they can get useful information, if that's how you mean test, yes. I think there are very important ways in which we need to learn how to get information that will be useful to us.

Q You have criticized minimum competency tests of the multiple choice variety. There are some states in which they are actually asking students to supply writing samples, in Texas, South Carolina and a number of other places. Would you be opposed to those tests as well if kids are asked to write paragraphs or short essays?

A I don't know how they are measured, and I can't answer every question you might imagine. But I think it makes sense for a school to work out its own way of trying to get samples of materials of children's work. I think children's work is a terrific way to get information.

We keep a folder on every single child from the time they enter our school until they leave. It includes their writing, their artwork, samples of a variety of their work. The children can go over it with their parents at any time, and when they leave the school we sit down with the kids and we go over the whole span of their career with us with material.

I think that is one way, and I happen myself to believe a very good way. I don't want to mandate that all schools be like me. I know it's hard to believe, but I don't think that another school adopting my approach would get my results if they didn't believe in it as firmly as I believe in it.

Q Minimum competency tests focus not at all on the approach but on the end result of the approach. You would allow other people, I assume, to use different approaches as long as they produce good results?

A We would disagree. Some people might look at that sample of material and say that child at the end there is not a good writer, and I might say that child is a terrific writer. That person might be counting the number of commas they misused, and I might be impressed by the fact that they undertook writing very complicated sentences in which they are more likely to make mistakes on commas than the other student here whose paper was perfect but who didn't try to express anything complicated enough to get into trouble. So we might disagree.

Q You would allow those other teachers in those other school systems to use whatever criteria they wanted?

A I think if we provide alternatives, different ways and a community of different people who work in that school, the parents, teachers, and children in that school can work out a way that is satisfying to them. I think even pretty dumb things sometimes work that way. I have a lot of belief in the importance of people having some autonomy.

Q Even if substantially different judgments were reached regarding the quality of the students' efforts, this would be acceptable?

A I think the direction is moving toward more confidence in local control.

HEARING EXAMINER JORDAN: Thank you very much, Ms. Meiers. You may step down.

The next witness is Dr. Robert Benton, Superintendent of Public Instruction, Iowa Department of Public Instruction, Des Moines, Iowa.

TESTIMONY OF ROBERT BENTON
SUPERINTENDENT OF PUBLIC INSTRUCTION
IOWA DEPARTMENT OF PUBLIC INSTRUCTION
DES MOINES, IOWA
DIRECT EXAMINATION

BY MS. PULLIN:

Q Dr. Benton, what is your background and training in the field of education?

A Very briefly, I have a B.A. degree in teaching, speech, English and social studies; I have an M.A. and Doctorate of Education degree in the School of

Administration; five years of teaching in English, speech, and journalism; three years as a director of public information coordinator, secondary education; five years as assistant superintendent of instruction; six years as a local superintendent; and the last nine years a state superintendent of public instruction for the state of Iowa.

Q Does that mean that you are the highest appointed educational official in the state of Iowa?

A Yes.

Q Does the state of Iowa require the use of minimum competency testing to deny diplomas, to determine grade-to-grade promotion, or to place students in classes?

A No.

Q And did the state of Iowa recently undertake a consideration of whether or not to use minimum competency testing in that way?

A There has been some talk in the legislature, but very little really in that particular area. Back in 1978 I recommended to the state board that we do an in depth study in the general area of student achievement, not just on minnimal competency testing but student achievement.

What we were trying to do was to really determine first of all the level of achievement of students in Iowa, and secondly, to see if there was some reason after we got that information whether we felt that we could either improve the educational program as a whole or individually for students through some type of a program.

And so coming out of that particular study was a very strong recommendation that the state not impose or mandate a minimal competency testing in the state of Iowa.

Q Can you give us an indication of the kinds of people who participated in that study?

A Yes. It was a task force which was composed of two superintendents, two curriculum specialists, two principals, four teachers, two university profs, two legislators, a counselor, one or two citizens, two board members, and a student.

Then we had another group that advised that -- we called it the Board of Advisors -- and these were representatives from a number of professional organizations, both lay and education-oriented.

Q How did that study group go about gathering its information?

A Well, first of all, as many of you know, the Iowa Test of Basic Skills, the Iowa Test of Educational Development are well-known tests in the field of education. We had about a 35 or 40-year history of data from those particular tests. Practically all of the schools in Iowa, I think somewhere in excess of 90 percent of the schools, participate voluntarily in those programs and have for a number of years.

So that data or those data were analyzed in great detail and interpreted. We worked with the Iowa testing program at the University of Iowa in that particular area. Also a member of that committee was an individual who had served as a staff member in the Education Commission of the state, and they're the ones that conducted the national assessment of pupil progress. So there was some input along those particular lines.

There was a great deal of study of that and coming from that were the identification of five critical issues that the task force finally zeroed in as they were taking a look at this general total area of student achievement.

Again, I stress again the total concept of student achievement, because we were trying to get a broad picture there. For example, the five critical issues are these, and I will go over them briefly. They are formed in the basis of questions rather than in statements.

Should Iowa schools provide a narrow range of curriculum in schools reflected in the basic skills or a more broad range of curriculum as reflected in basic skills plus other experiences, areas of knowledge, et cetera?

Secondly, what is the current status of student achievement in the schools of Iowa?

Thirdly, to what extent should the state and/or the local school districts attempt to alter or control the factors from within or without the school that seem to affect student achievement? I think that is something that has not been stressed enough here.

Four, should standards of student achievement be established, and if so, should they be established by the state or local authorities? And if standards should be established, should they be in absolute terms, or should they be relative to the ability of each student?

And fifth, what responsibility does the local school system and/or the state of Iowa have to communicate progress in student achievement?

And those were the five critical areas around which recommendations and analyses were done.

A major recommendation, and I will just read it very briefly here, "The task force recommended that no state or federally mandated minimal competency testing program should be initiated in Iowa at either the state or local level. Rather, the Department of Public Instruction should encourage local education agencies to establish other procedures or continue procedures already established for monitoring progress of students through the school system and for judging whether or not individual people are making satisfactory progress in light of what is known about the individual's interest, aptitudes, and aspirations."

There are a lot of other recommendations, but that was the major one that is relative to our discussion here today.

Q Could you explain to us what your opinion is about the reason that task force and ultimately the state rejected the notion of using minimum competency testing for these purposes?

A Well, in hearing the reports -- and I sat in on a number of those discussions. I tried to stay out of them because I didn't want to influence them. We appointed the task force, and we wanted them to feel totally independent in which to make judgment and recommendations.

I think there was a strong feeling that minimums had a tendency to become maximums, and if you're only going to deal with minimums, well, you don't have much of an educational program.

Secondly, as it was determined, the achievement level of Iowa students -- and I don't want to sound arrogant and braggadocio on this -- but the Iowa student does perform at an unusually high rate. They found after analysis of 35 years of test scores that the typical Iowa student performs a full year above the average student of the rest of the nation, and that 94 percent of Iowa schools have average test scores at or above the national median.

So I think there was a general feeling that if you were going to use minimum test scores in terms of trying to increase levels of achievement, that perhaps that was not appropriate as it related to the actual status quo of education in the state of Iowa.

So I think those were the two or three reasons. There is a high level of education in the state. We are a rural state, but we do have a high level of education, both the adult population, and I think there was just a general feeling that there are much better ways to improve the educational program than to go that particular route.

Q Was there a feeling that the information you had on hand about your students was sufficient to provide you with a picture of how well the schools were doing and that minimum competency testing information would be redundant?

A I think there was a general feeling that we had far more data than we knew what to do with and that certainly -- and there are failures. This is not to say that Iowa students all achieve at those levels. We have a lot of kids that don't achieve at the level that they should. Obviously, you never reach the millenium in terms of educational achievement.

But I think that the feeling was that minimal testing or minimal competency testing was not going to give us any additional data. Really what we needed to do, and that was one of the major recommendations, that the state department should then work closely with local school systems in terms of helping them to take a look at total curriculum improvement and taking a real good look at how they delivered the educational product.

I want to point out one other thing, and I think I need to stress this. We are a state, and it's been referred to here several times this afternoon, we are a state that stresses greatly local control and local management of education. In fact, we have in our state laws this statement which I supported when it was being debated in the legislature, and I think it's the right approach.

Section 280.12 of the code reads this way:

"Evaluation of educational program: The Board of Directors of each public school district and the authorities in charge of each non-public school shall, 1) determine major educational needs and rank them in priority order; 2) develop long-range plans to meet such needs; 3) establish and implement continuously evaluated year-by-year short range and intermediate range plans to attain the desired levels of pupil achievement; 4) maintain a record of progress under the plan; and 5) make such reports on progress as the superintendent of public instruction shall require."

I wanted to point out that maybe one of the reasons why the legislature itself has not dealt with this is because they of their own volition chose to put this into the code, and they are basically saying that those kinds of decisions as it relates to individual pupil, pupil progress, attainment, whatever, needs to be centered at the local level.

Q The conclusion is that the imposition of minimum competency testing would conflict with that degree of local control?

A Yes. At the state level. And I would say this, that in the push for minimum competency we have had some local school districts that have made that particular decision. I don't agree with it, but I don't deny them the right under the Iowa law to make that kind of a decision. And I think they are finding and learning from some of their experiences that there needs to be some adjustment made in those areas, but some of them are very supportive to the concept.

Q Have you yourself ever had experience with minimum competency testing or something similar to that, perhaps when you taught school yourself?

A I don't go back as far as Dr. Tyler, but when I was an eighth grade lad in a one-room rural school in the state of Iowa back in the early '40s, we country kids had to take a minimum competency test to get into high school; the town kids didn't. For some reason it was felt that the town schools were better than the country schools. That interested me that most of the valedictorians came from the country school, but that's neither here nor there.

As an eighth grade student, yes, I had to pass minimal competency tests, and I can tell you exactly what my teacher did for all of one year. The Wadsworth Publishing company used to put out the books on the various programs, and I studied sample test questions practically all year long. I was the only kid in the eighth grade at that time. So, yes, I have gone through a minimum competency, and I'm not really sure I remember a heck of a lot about the content.

Now, maybe it was good for me to discipline my mind to learn the answers about hygiene and arithmetic. We didn't have science in those days, at least in the country schools. But yes, I have had that particular experience, and I don't endorse it.

Q Would you say then that in your opinion it is not appropriate to use a minimum competency test as a sole criterion for critical decisionmaking about a student?

A Yes. That would be my opinion. I think unfortunately in this day and age we are not giving enough credit to the professionalism of teachers. I think that there is a lot of reasons why people are critical of teachers, but I'm not sure it's necessarily tied to student achievement. I think it has some other political overtones.

MS. PULLIN: Thank you, Dr. Benton.

HEARING EXAMINER JORDAN: Cross examination?

CROSS EXAMINATION

BY DR. POPHAM:

Q Superintendent Benton, I was interested in your eighth grade teaching experience in which you were described that you were drilled on a particular workbook, I guess, until you really mastered it.

What happened to you?

A Well, some would say that isn't particularly the best outcome.

Q You may remember that I was participating in a project that your department sponsored a couple of months ago. In fact, I was snowed in in Des Moines, as I recall.

A The only snow we had all winter, by the way.

Q I didn't realize that you had such control.

(Laughter.)

A Either that or you brought bad luck to us.

Q Now, I had an opportunity -- there's not very much going on in Des Moines actually -- to talk with a good many teachers about what is transpiring in education in the state. It is true that most of you state's high performance is based on the Iowa Test of Educational Development and the Iowa Test on Basic Skills, right?

A That's the data that we use, although we have some preliminary data in the national assessment, but it's done on a regional basis rather than state.

Q Prior to your creation of the review group, the task force in 1978, did you have a position, Superintendent Benton, regarding the wisdom of minimum competency testing?

A Yes. I have never publicly gone into it, yes, but I have a professional opinion, and I've had a professional opinion for quite some time.

Q And I assume that would be negative?

A Minimal competency testing, I have no negative feeling about testing per se.

Q Right. I want to ask you a serious group. Your review group you described seemed to be heavily populated by professional educators. There were some citizens, but by and large they were predominantly professional educators. If a different review group had been formed which was dominated by members of the public as opposed to those in education, do you think they would have come up with an identical set of recommendations?

A The Des Moines Register and Tribune took off after us after its first laudatory editorial, and then apparently when it wasn't controversial enough they came back with a comment along the lines you're talking about.

My guess would be that yes, that may have happened. I doubt very much it would have happened if they would have understood the data from which those conclusions were drawn. I think that was one of our defenses on the thing, that if you are going to use as a basis for an evaluation a set of complicated information, you don't turn that over to people who don't have an ability to understand it.

So we looked upon the involvement of that group more in terms of an interpretive process rather than one of decisionmaking.

Q Apparently you would not be opposed, although you would not favor it, if local educators in Iowa decided to install local district minimum competency testing programs, right?

A We have not opposed it. In fact, what we have tried to do when local school districts have done that, and I have tried to make my consultants available to them in either terms of helping them either if they're going to construct their own test or use others, we have tried not to let that bias enter into our professional relationship with educators.

Q Then I guess as a last question if in other states your colleagues were less satisfied with the caliber of schooling in their state and wished to set up either a state or a series or local minimum competency testing programs, you would leave that to their prerogative as well?

A Oh, my good friend Ralph Tyler and I discussed this many times, and I would not impinge on his ability or right to do anything in his state he wants to. We respect each other very much in this area.

MS. PULLIN: I have a couple of questions.

REDIRECT EXAMINATION

BY MS. PULLIN:

Q Is the Iowa Test of Basic Skills or the Iowa Test of Educational Development ever used as a sole basis for determining promotion or graduation in your state?

A I am not aware that any school district would use that as the basis for that, no. It has been used mainly as a diagnostic tool. It has, as many of you may know, a rather sophisticated and yet a rather simple reporting mechanism to parents where a child, if he takes it every year, you can plot the progress. It is a well-known instrument and I think a well-accepted instrument for diagnostic purposes.

Q Could you tell me how many local school districts of the number in your state use minimum competency testing to promote or graduate students?

A I know of only one or two, and it would not be a broad range. It may be in an area that I am familiar with. Marshalltown, I think, uses it in mathematics.

Q Have you heard any outcry from the public in your state for minimum competency testing?

A No, I have not.

MS. PULLIN: I have no more questions.

HEARING EXAMINER JORDAN: Any further recross?

Thank you, Doctor.

Our next witness is Dr. Joseph Cronin, President of the Massachusetts Higher Education Assistance Corporation and former Chief State School Officer, Illinois.

TESTIMONY OF JOSEPH CRONIN,
PRESIDENT, MASSACHUSETTS HIGHER
EDUCATION ASSISTANCE CORPORATION,
FORMER CHIEF STATE SCHOOL OFFICER, ILLINOIS

DIRECT EXAMINATION

BY DR. MADAUS:

Q Is your background and training in the field of education?

A Yes, it is, a bachelor's degree in history, but a master of arts in teaching, and a doctorate from Stanford University in educational administration.

Q What are some of your other backgrounds in education? What other kinds of positions have you held?

A I have been a classroom teacher in English and social studies, both in Massachusetts and California, a principal in Maryland. I have been the secretary of education on the Governor's cabinet in Massachusetts, and state superintendent of education in Illinois from 1975 until 1980.

Q Now, when you were state superintendent of education in Illinois, did the state board consider enacting a minimum competency testing program?

A Yes, we did. That was because the legislature was responding to the widespread publicity about the scholastic aptitude tests, about maybe they should be a mandated test as a requirement for graduation from Illinois schools.

We checked first of all with the people in Princeton, New Jersey, who put out those tests on the results and found out that they did in fact have a profile of scores on Illinois and that really there had not been a decline or a decline that would warrant serious changes in the curriculum.

But we did volunteer to the legislature to have a study and a series of public hearings around the state so that school board members and citizens, as well as professional educators, could comment about the desirability of a statewide test as a requirement for graduation or a checkpoint along the way.

Q Now, as a result of that what did your board decide?

A Our board listened to dozens of people, reviewed the experience of other states, particularly those in the southwest. We had clippings and reports of the difficulties that some Florida counties had in complying with it. We discovered that there are legal problems. There is litigation when you have school districts that have not finished desegregation and yet you expect all the children equally to excell or perform well on exams.

And since we were in the process of desegregating about 30 school districts in Illinois, we thought for a number of reasons it would be much more appropriate to ask the local schools to have a process whereby they declared their goals and objectives, spelled out what kind of evaluation devices -- certainly tests could be included, but we recommended strongly against using tests as the only indicator of performance or competence or success in schools.

Then we suggested to the legislature that they be given some time to implement a curriculum. We also asked that they look at the curriculum to make sure that that corresponded with the goals, and also that the tests or evaluation devices bore some resemblance to the curriculum. And we said this is a process that should take about two years. It should be done very, very carefully to avoid the mistakes that we had learned about from other states, and that that's where the decisionmaking should be about graduation and about achievement, at the local level.

Q Now, in this study did you turn up some special problems about accommodating certain kinds of students in Illinois?

A We were busily implementing 94-142, the federal Rights of All Handicapped Children Act, which talks not about mass production or mass achievements, but individualized education plans. And we saw some contradictions and difficulties between having a standardized test and an individualized education plan.

And in fact, our counsel and advice to school districts was to individualize the evaluation so that it matched the program plan for that handicapped child. As many as 10 or 12 percent of Illinois children were handicapped, ranging from mild disabilities to very serious retardation.

Q Was there a district that violated that particular state directive on handicapped and learning disabled students and held them to a common test and common standard in awarding a diploma?

A Well, while we came out in favor of local decisionmaking, there were at least a half a dozen school districts that came forward and said: Look, if there's going to be a test, would you just tell us the name of the test and we will impose it, we will put it in and send you the results, or whatever you tell us. We understand that power has been taken away from the local level by state and federal authorities, and if that's what this is going to yield tell us.

There were five or six districts that said: We already have a minimum competency test and everybody must pass it as a requirement for graduation from high school. We said: Wait a minute, don't you have a plan for the handicapped, don't you have some very careful exemptions and some special treatment as the handicapped might need? Oh, they said, yes, that's a conflict; we will go back and review it.

We had about five out of those six school districts actually provide for individualized attention through evaluation for the handicapped as they moved through high school. In one school district they said, no, our board has made this decision and we believe every single person in Peoria must pass that standard test or else they're not going to get a high school diploma.

Q So Peoria ignored your directive on common standards -- against a common standard for handicapped and learning disabled students?

A Yes. Of course, since that time there have been some lawsuits. There was a request of the state board of education, which sent in an investigatory team some months after I left Illinois. A team of 30 or 40 people went in to ask questions, to hear complaints. And the state board of education is right now reviewing that case because there is a serious conflict.

But it's the opposite from what some of the other situations might be, where we think a school district is using a single yardstick to measure all children and in fact trying to make sure that everybody wears size eight or above as a requirement for graduation from high school.

Q Dr. Cronin, what do you see as the problems in the present system of awarding diplomas? We have heard a lot today from the other side about bringing back value to the diploma and counterfeit diplomas and this sort of thing. How do you see the diploma in American education?

A One of the great myths of American education, one of the charades, is that the diploma is terribly important. If you talk to most people and say, where is your diploma, they say, I either have it framed on a wall in my office where I can watch it, keep track of it, or it's in a safe deposit box or it's in a file in the basement or wherever.

People do not take their diploma around to a college. They do not take it around to a job. What is really important today as the currency of educational quality and performance is the transcript. And I think one of the frontiers in terms of defining what performance is and ability and achievement is to breathe more meaning and life into the transcript, which is reviewed by college and university admissions staffs, which is on occasion reviewed by industry or by government employers, especially if it is for a specialty or a technical position.

That is the important document, because that tells -- that might tell not only grades and test scores, but I would hope we could move towards more indicators, such as this person can type at 60 words a minute or 90 words per minute and make so many errors per page or per 100 words or 1,000 words. That kind of information on skills is very, very useful for a targeted audience.

But the notion that one three or eight-hour exam and a single score can be that meaningful is a charade and a disservice.

Q And the transcript, of course, would cover the wide experiences the student had in high school from grades 9 through 12. It's not just limited to the test?

A Exactly. It probably ought to include extracurricular activities, leadership around the school, and other important contributions that schools have to American society in training citizens.

Q So do you think that a minimum competency testing should be used by itself as the sole or primary determinant of a high school diploma or promotion or classification?

A The inside joke after a while was that the notion of MCT really stood for "minimal confidence testing," that somehow there was the hope that if there was a test for everyone, that if everyone could pass the test, then public confidence in American education would be restored.

We thought that was simplistic. We thought that would be short-sighted to think that more testing is the answer to the ills of American education. In some cases the response to declining or inadequate test scores should be more teaching or perhaps more resources spent to support the teachers, including more resources for the classroom teacher, so that they are adequately paid and so that the best ones stay in the classroom for their full career.

And to say that a test is the answer or so much of the answer is to miss those other necessary solutions.

Q But you do think that students should be held to standards?

A Absolutely.

Q But do you think a common standard for all students makes sense?

A Standards should be set by teachers and principals in the school. Those standards should be displayed by them, should be reviewed by a citizen group called the local school board. That is the proper locus of decisionmaking.

Q One of the witnesses this morning characterized minimum competency testing as the last great hope for

American public education. How would you respond to that?

A Where was that person from? Is that someone from the Midwest?

Q Well, he is an Australian working in California.

A Okay. I think the notion of looking at any kind of test as a panacea, or as the single hope, is a terrible mistake. We need a number of solutions in American education. Some of them are financial solutions. Some of them are solutions having to do with a greater commitment of resources, a greater concern by families and parents for what is happening in their schools.

And the idea of seeing testing as the one great hope or remaining hope is to rely too heavily on psychometry.

DR. MADAUS: Thank you, Dr. Cronin.

HEARING OFFICER JORDAN: Cross?

CROSS-EXAMINATION

BY DR. POPHAM:

Q Dr. Cronin, one gathers from your remarks that you would be in favor generally of locally controlled minimum competency testing programs, if in fact the board of education thought it was a good idea to install it?

A With appropriate safeguards for the handicapped and presuming that they have just about finished desegregation, with an opportunity for all children to have profited from equal opportunity.

Q Since you endorse state-level intervention when it is necessary to protect handicapped students, may we infer that it is acceptable for a state to intrude on local education agencies when the situation warrants?

A The word "intrusion" of course is a loaded one. There is in most states a constitution saying that the state shall set general standards for health and safety and equity and opportunity for children. Clearly, when the constitution spells that out I think it is appropriate for the state to intervene to assist the clientele, including the parents and students.

Q Intervention is acceptable when the situation warrants?

A And when the constitution provides for it.

Q Would not some educators, legislators, citizens, consider students' lack of basic skills sufficient cause for state-level intervention?

A Yes, indeed. And in fact, we have task forces and committees working with local schools on areas like writing, for example, where we thought performance could be improved.

Q You don't seem to think that a high school diploma is a particularly important document.

A Oh, I think it is to the individual when they receive it. I am talking about in later life, how many times is the diploma actually brought around and used as educational currency, and should it. And I conclude no.

Q Perhaps it is not brought around and used as currency because most people have been awarded it, maybe on the basis of social promotion.

A I don't think so. I think most people have earned it in terms of performance. They have had to have their promotion recommended by not one, but a series of classroom teachers, especially through the junior high and senior high school.

I think the notion of the diploma, which in many cases only has 20 or 30 words on it, saying that Jim Popham or Joe Cronin has graduated from X high school, that doesn't convey much information. Here we have technology in the computer so much that we can lay out in terms of the profile and accomplishment, the merits and talents of a person, and let us move to a more sophisticated transcript and not a beefed-up diploma.

Q But your move toward the transcript is clearly something that ought to be created. We don't have transcripts of that caliber right now, do we?

A In some schools we have transcripts. Certainly some admissions officers in many colleges collect a dossier of information on a student coming in 5, 10 or 20 pages, anecdotal information, references, indicators of performance, essays written by the student. That's the kind of broad approach I would favor.

Q You are a very astute observer of the educational scene in various parts of the country. Don't you think it's a bit premature to write off minimum competency testing as a possible vehicle to improve the caliber of schooling?

A I certainly wouldn't write off testing. I am in favor of testing for evaluation and diagnostic purposes. I would repeat my words of caution to any state that things that a single test or a state-wide test is the one key answer to the revival either of excellence or the indicator of satisfactory performance.

Q And your intuition tells you this, rather than any substantial evidence on minimum competency testing programs thus far?

A Oh, no. I have had a chance to talk to people from other states, my colleagues from the other 49 states, to review their programs. We have invited some of them into our state to explain how the system works. We have held public hearings. We have had people who worked in New York State under the Board of Regents come out to Illinois. So no, it's in 25 years of professional service.

DR. POPHAM: Thank you.

HEARING OFFICER JORDAN: Thank you, Dr. Cronin.

Redirect?

REDIRECT EXAMINATION

BY DR. MADAUS:

Q Well, you can't stop a local district from adopting a minimum competency testing program that is tied to a diploma or a promotion. What do you think of that practice by a local district, using a test by itself to make those kinds of decisions?

A We have those questions asked of our legal staff: What did we think of diplomas that said that this is a diploma that indicates passage of a minimum competency test; here is another diploma that he completed 12 years but didn't pass the test; here is another one if someone couldn't even take the test? What do we think of having three or four diplomas, sort of gradations? One would be a first class, one clearly would be a second class diploma, one would be a third class diploma.

We had serious reservations both legally and philosophically about what it would mean to have a diploma trail around with a student for umpteen years indicating that they didn't pass a three-hour test. So we did everything we could to talk that school district out of the notion of multiple diplomas, where again what was really called for is transcripts indicating at what did that person excel in.

Maybe it was in sheetmetal, electricity, plumbing, skills that our society genuinely needs, as opposed to saying, well, we had some multiple choice questions, the kinds that have been described today, and the person couldn't handle some of the advanced questions.

DR. MADAUS: Thank you, Dr. Cronin.

HEARING OFFICER JORDAN: Any further recross?

(No response.)

HEARING OFFICER JORDAN: Thank you, Dr. Cronin.

Ms. M. D. Taracido, attorney at law, former president and general counsel of Puerto Rican Defense and Education Fund. Ms. Taracido.

TESTIMONY OF MS. TARACIDO, ESQ.,
FORMER PRESIDENT AND GENERAL COUNSEL,
PUERTO RICAN LEGAL DEFENSE AND EDUCATION FUND

DIRECT EXAMINATION

BY MS. PULLIN:

Q It's just been indicated you are the former past president and general counsel of the Puerto Rican Legal Defense Fund. First of all, when did you leave that organization?

A Effective June 30th, 1981. So in other words, it's about two weeks.

Q Could you please define for us briefly what the Puerto Rican Legal Defense and Education Fund, which we will refer to as PRLDEF, does?

A The Fund is a national civil rights organization. It was established in 1972. Its primary objectives are to protect the rights of Puerto Ricans and Hispanics in the mainland United States and to increase Puerto Rican representation in the legal profession.

I have been with the Fund since its inception in 1972. I have worn a few hats, actually, in that tenure. During my tenure as a staff person, however, I was very much involved in education rights advocacy. That was one of the primary focuses that I had as a staff attorney and even at the point in time where I took on the position as president and general counsel I maintained my contact with bilingual education and a number of other things.

Q Is it true, then, that PRLDEF as an organization has been involved in monitoring issues such as minimum competency testing and bilingual education in New York?

A Yes, it has. We initiated a complaint in January of 1979 challenging the New York State minimum competency regulation, and have been in the forefront of advocating understandable instruction for language minority children.

Q Could you briefly describe the history of the minimum competency testing program in New York?

A First I'd like to preface by saying it was the most ineptly constructed regulation I think I've ever seen.

It was riddled with defects. It was initially issued in August of 1978, and the regulation had three basic components to it:

One component had to do with testing that would go on in 1979 and 1980, in other words effective for graduates of those two year and a third component that had to do with graduates of June 1981.

The first part, for '79 and '80, was something called basic competency tests, or BCT's as it's known in New York. And the June 1979 graduate had to pass a reading and a math basic competency test. The June 1980 graduate had to pass a reading, a writing, and a math basic competency test.

As of June of 1981, in other words this very academic year, students will have to pass a much more stringent test called the Regents' competency test. And that testing process incorporates all three -- math, reading and writing. In addition, the regulation has something called a preliminary competency test. That was a variation of that last test that I have just described, which is the Regent's competency test. However, it only dealt with the reading and writing portion. So it is a variation of reading and writing tests that would be applicable to the June 1981 graduate.

And that was -- I would guess you would call that the early identifier in that particular regulation, because if the person who was given the preliminary competency test in reading and writing were not to pass it, then remediation was required for that student.

There was a small problem with respect to that, or rather aw large problem, really, from my perspective, and that was that the trigger for whether you got to take the preliminary competency test was whether you had fallen below the norm on something called the pupil evaluation program, which is a testing process given in third and sixth grade, and which has been mentioned earlier, which is now being used for promotional purposes.

That particular testing process is one in which students are given a test in reading and in math and the reading test is not available to limited English proficiency students because it's only available in English. So anyway, you have a trigger before you even get the preliminary competency test. So what you have is a situation where there may be many linguistic minority children, for example, who would not be identified as perhaps having some problems.

And the second thing that happens, of course, is the preliminary competency test focusing simply on reading and writing and not dealing with math means you don't identify early enough on as to whether there's a math problem.

Q You have identified some deficiencies, then, in this very complicated testing scheme. Were there other kinds of deficiencies which you and your organization felt existed in the New York State program?

A Yes, lots of gaps. It was a real patchwork quilt. For example, the basic competency testing process, which was applicable to the June '79 and June '80 graduates, in large part the test was not a valid test. It was provided in English only, so that meant that if you were a language minority student then, of course, you would not be able to take that test.

There was no remediation requirement. You could take the basic competency test in November and if you failed it, tough cookie, as they say in New York. And then you take it again in January and fail it again and nothing was being done in between. So there was no effort to do something about giving some support and help to those students.

In addition, there was insufficient notice to students. The people that we spoke to prior to filing the January 1979 complaint, students I mean, indicated that they had not been told. Lots of them in eleventh and twelfth grade had not been told that it was meant to be one of the requirements for graduation.

As to the Regents' competency testing process, which as I mentioned earlier is a much tougher test, that again is being provided -- you know, it was going to be provided simply in English; again, insufficient notice. When you think about it, a regulation initiated in August of 1978 to be applicable for the following year, that is very difficult for me to see how a school district or a school that has not been doing what it should be doing for students for the last nine to ten years could possibly catch up and have them ready to take this much stricter test in, you know, for June 1981 graduation purposes.

Again, no remediation potential with regard to math, since there was no preliminary competency test in math to identify students having trouble with that.

The preliminary competency test, which is that attempt at an early identifier; there again, the validation was at issue. There was, as I said, no math PCT, and again it was in English only.

Q You have mentioned or alluded several times to the problems of limited English speaking students or the fact that tests were not available in Spanish. What kinds of problems did this testing program cause Spanish-speaking students, who I presume compose much of your constituency or the groups you work with?

A I feel compelled to do a prefatory remark when I deal with bilingual education. It is so misunderstood and so maligned. I would like to at least define what the advocates of bilingual education mean when they talk about bilingual education.

Q Fine.

A You have students who come into a school district with limited English proficiency, and you can't have them sitting in a classroom being taught by an English-speaking teacher and expect them to really absorb the information that is being given to them.

Consequently, common sense would dictate that what you want to do is provide understandable instruction. And the idea of bilingual education is to provide students subject matter courses, math, social studies, science, et cetera, in their native language so that they don't fall behind their peers while they are learning English.

Another important vital component of bilingual programs is English as a second language, which is a language arts program, for lack of a better way of defining it. It is a program that is meant to increase English language fluency. If you have a program that does not have that as an integral component part of the work being done in that program, then it is not a bilingual program.

The whole purpose behind bilingual programs, since we are an English-speaking nation, is to give the child who is participating in that program -- develop in that child the skills they need to be integrated into the regular curriculum. So the ultimate goal is for them to learn English language fluency.

Q At the same time that they are achieving substantive knowledge in the other subject areas?

A Exactly.

Q Now what is the problem, then, with giving these kinds of children a minimum competency test?

A Well, you are giving them a minimum competency test in English?

Q Why not?

A Or in math, why not? Well, okay. Why not is that they can't understand the language well enough to be able to take a test in that language.

They are in a program that is precisely meant to bring about an increase in their English language fluency. You want a program that addresses that as an issue. So that if you are trying to determine competency in a child who is a limited English proficient child, who is participating in a bilingual program, then presumably the competency you want to determine is whether or not they have learned, let's say, reading in Spanish, because that's what they are being taught, or math in Spanish.

And what you should be trying to determine is how well the school district is teaching them English as a second language. To do anything more than that, to try to get them to take that test in reading or in math in English, when they haven't yet achieved English language fluency, is ludicrous.

Q Is there a special problem also for students who come from Puerto Rico in that regard?

A We have a large mobility factor. One of the things we have to keep in mind is that Puerto Ricans are all United States citizens. They are able to come and go from the mainland to Puerto Rico and back and forth, and we do have that kind of flow going on.

The instructional system in Puerto Rico is conducted in Spanish. So that what we have is a situation where they are coming from one instructional mode in terms of language into another instructional mode. And although they are taught English in Puerto Rico, they don't always come to the United States with as much fluency as you need to acceptably participate in the educational program provided here.

Consequently, there is a need to really address that. The whole point behind the advocacy for bilingual education is, on the part of those of us who care about it and think it is important, is that you want to have a program that is effective and appropriate, and the only effective and appropriate program for a person who does not speak English is a program that gives them their work, their subject matter work in a language they understand.

Q So you are saying, then, that to fairly assess the competence of many of the students you are talking about, competency is a factor which might involve competence in subject matter, but also competence in language?

A Well, it is competence -- let's put it this way. If -- assuming arguendo that it is acceptable to have this one standard, a minimum competency testing process --

Q An assumption I presume you have difficulty making?

A Yes, I have difficulty with that. Assuming arguendo that that is true, an English proficient child can obviously take that test, because presumably they have enough fluency in that language to be able to deal with that test. If you are a limited English proficient person you're not going to be able to deal with that test in English. You might be able to deal with it if it was given to you in your native language.

And clearly, if you want to have some sense of competence, as I mentioned earlier, competence in English, then the most you can do is test for what the child has learned in English and it's what's being given to that person in English as a second language course.

Q In an attempt to promote educational accountability, however, would it be fair to impose on a student significant responsibility for educational success or failure?

A I think it is unfair.

Q Why?

A I think it is unfair because I think that education is a two-way street. I think that schools have a responsibility for teaching students. I think that students have to -- the students are there basically to learn, obviously. And a process that doesn't look at both student performance and the performance of the educational system is one that is, I think, patently unfair in the end.

Educational programs may or may not be adequate. And if you look solely at children's performance and how they have done on a particular multiple choice examination, what you are missing is a very important dimension and that is whether or not the program provided to bring that child up to that standard was an adequate program.

Clearly, it seems to me that you are further victimizing the victim if you fail them when they have been participating in an inadequate program. That just doesn't make any sense.

MS. PULLIN: Thank you very much.

CROSS-EXAMINATION

BY DR. POPHAM:

Q Would you favor a minimum competency testing program in which Spanish-speaking youngsters did have tests in the Spanish language that would be a necessary condition?

A I think that if we were to assume that a minimum competency testing process is one that is appropriate, to not do that is crazy.

Q You described a number of features in the New York minimum competency testing program which you considered reprehensible. Assuming for the moment that those deficiencies are genuine -- and I'm sure you're telling us the truth -- most of them as I heard you sounded eminently rectifiable. They can be changed.

Is there any reason why they are necessary ingredients in a minimum competency testing program?

A I'm sorry, I don't understand.

Q You described a number of bad features in the program. But it struck me that very few of them were necessary ingredients. They may have been there in New York, but are they necessary for a minimum competency testing program to make some of the mistakes you described?

A Let me tell you, I was struck by what was supposed to be the product of educators who were skilled in this field. I am a lawyer. I don't pretend to be an educator, although I have taught in the past. And I could not believe anybody could put that kind of regulation together and then say that this is an appropriate thing to use to determine whether somebody should get a diploma.

Q I concede that. But let's assume that it is conceded. Do you find that those features are necessary in any minimum competency testing program? Are they necessary conditions of a minimum competency testing program?

A What are you saying? I'm not clear what you mean.

Q What I'm trying to get at, if you could describe a minimum competency testing program which would be put together better and avoid some of those deficits, wouldn't that be somewhat more acceptable to you?

A I think that you can avoid the deficits. I think that you can correct and remedy, and indeed they did. We filed a complaint and as a result of the complaint some of these things were remedied.

But I still think that using a test as a sole identifier, as a sole determinant as to whether or not a child should get a diploma is wrong for many of the reasons I've already articulated.

Q Insofar as more Hispanic youngsters are failing the New York test, doesn't this reflect inadequacies in instructions, inadequacies which should be rectified?

A Yes. But I don't think you rectify it on the backs of the children.

Q In the advanced summary of your testimony that we received, you observe that the existence of minimum competency testing programs makes it possible to monitor the quality of school programs, thereby isolating less effective schools so attempts can be made to correct ineffective instruction. Do you still agree with that statement?

A That there should be monitoring?

Q In other words, the existing minimum competency testing permits us to monitor schools, so we identify the ones that are less effective, so we can do something to improve them. Do you still agree with that?

A I think that -- well, let me put it this way. If you are going to have what I feel is an inappropriate way of determining whether or not a person gets a diploma, if you are going to do that and you are going to put the onus on children to perform, then you have to have an equal onus on schools to perform. And that is basically what I said.

Q Isn't that a positive feature?

A It's a positive feature to the extent that you would then try to put accountability where I believe it belongs, frankly.

DR. POPHAM: Thank you very much.

HEARING OFFICER JORDAN: Further questions?

MS. PULLIN: No.

HEARING OFFICER JORDAN: You are excused. Thank you very much.

(Witness excused.)

HEARING OFFICER JORDAN: We have no further witnesses to call, and at this time the pro team first and then the con team will summarize the proceedings of today in a couple of minutes.

Jim?

SUMMARY OF THE DAY'S SESSION

BY DR. POPHAM, PRO TEAM LEADER

It has been a long day and this will not be my full five-minute summary.

Our team opened with a set of remarks designed to suggest that minimum competency testing programs were installed chiefly because of citizen distrust with the quality of schooling. We tried to suggest that the response of educators in many cases has been positive. We tried to preview the other team's probable attacks upon minimum competency testing and attempted to suggest that those attacks would sound better than they actually were.

We saw instances of that precise thing as the day progressed, people trotting out lousy multiple choice test items. My golly, in thousands and thousands of multiple choice test items, we could surely find some genuinely dismal ones.

We heard many times that scores have not declined recently, so all is well, we don't need a minimum competency testing program. Our argument, of course, is that the scores have already gone far, far too low.

We tried to present a series of witnesses from two states in which there are decent minimum competency testing programs alive and well, in South Carolina and Virginia. We heard those programs described and we heard a series of witnesses offer testimony that suggested there were positive effects on students, positive effects on the curriculum, and positive effects on public perceptions of education.

Our first witness, Dr. Scriven, suggested that if we could not move to a more honest system of describing student progress that education, public education indeed was in great peril. He concluded his opening remarks by asserting that minimum competency testing constituted the last hope of education.

This must have been particularly galling for our counterparts, for they raised it four times and indeed on one occasion questioned his birthplace. They could have, I suppose, questioned even more in that same realm.

We believe that the restoration of public confidence in school grading practices is imperative. We think that minimum competency testing will supply that. We hope in the next few days to provide witnesses which will support that general contention.

HEARING OFFICER JORDAN: Thank you.

George?

SUMMARY OF DAY'S SESSION

BY DR. MADAUS, CON TEAM LEADER

Today we started out by telling you that our team had a number of general contentions, the first being that basic skills in fact were not declining, that the problem is in more complex skills. We had several of our witnesses describe that. We said that tests were redundant, that we already knew who the schools were that needed help, and you've heard ample evidence on that.

We said that we would offer viable alternatives and we have done that. Both at the state level, at the local level, and at the school level, we have shown you that there are viable alternatives that will work.

And we then said that one of our contentions was that it was a political response to an educational problem, and we had several of our witnesses describe those features to you.

On the technical aspects, we just started to get into it, but you got a flavor for what is going to happen tomorrow when we go into those issues in more detail, that a single test score should not be used to make important decisions about students by themselves.

Now, because we carried the word "negative team" or "con team," that has a bad connotation in some people's minds. I think it was clear today that we are not opposed to testing. We think testing has a place in education, that it can serve a good function. We are not against standards. We are not against social promotion, and we offered alternatives and showed how tests should be used adequately.

Now, beware of what you heard from the pro team, particularly the South Carolina testimony. South Carolina does not use the tests for graduation. South Carolina doesn't use the test for promotion by itself. And the readiness test which you heard most of the testimony about really in a way doesn't fit the definition of minimum competency testing. It is not a paper and pencil test.

South Carolina is irrelevant to the argument. But there were some interesting things that kind of crept through the South Carolina testimony, and one of them -- I think one of the highlights for me was the beautiful testimony that the parent, Mrs. Long, supplied. And the key thing in that was that she gave the permission for the student to stay back and that the data was based on teacher observation throughout the year, and the teachers made the recommendation, went over it with the parent, and then the parent and the school people together decided that the student should be kept back.

That is the kind of thing we have been advocating in our alternative program to minimum competency testing.

We will deal with Virginia later in the hearings, and I won't keep you any longer. It has been a long and hot, at least hot up here, very long day. Thank you.

HEARING OFFICER JORDAN: I think both sides did well. I hope you do. I hope you enjoyed the proceedings today enough to come back in the morning.

The hearing will reconvene at 9:00 o'clock in the morning. Thanks to all of the witnesses who came and participated to help us out. This hearing is adjourned.

(Whereupon, at 6:00 p.m., the hearing was recessed, to reconvene at 9:00 a.m. on Thursday, July 9, 1981.)

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